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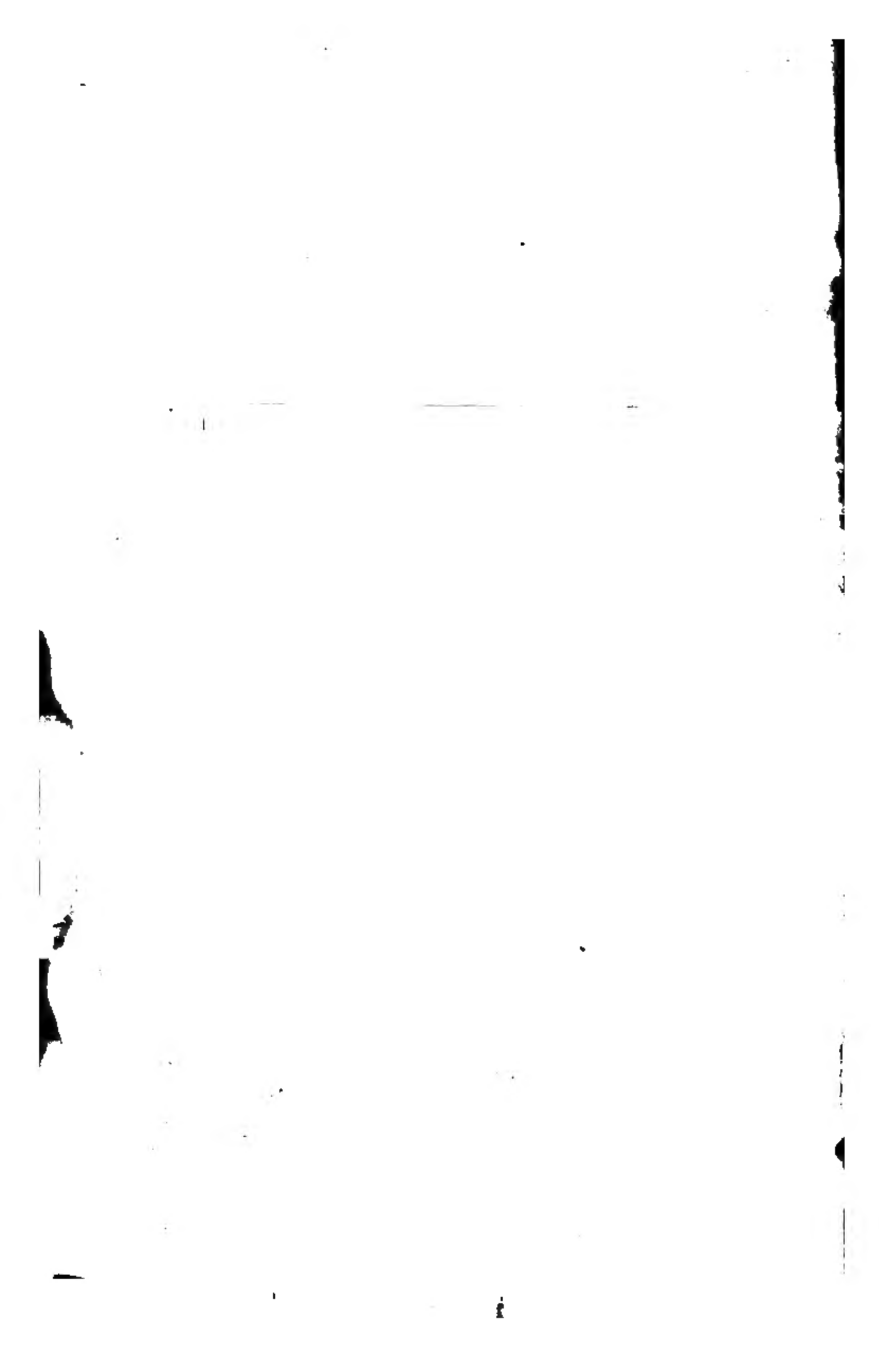
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**HISTORICAL MEMOIRS**  
**OF THE**  
***ENGLISH, IRISH, AND SCOTTISH***  
**CATHOLICS,**  
**SINCE THE REFORMATION;**

**WITH**  
**A SUCCINCT ACCOUNT OF THE PRINCIPAL EVENTS IN THE**  
**ECCLESIASTICAL HISTORY OF THIS COUNTRY**  
**ANTECEDENT TO THAT PERIOD,**  
**AND IN THE HISTORIES OF THE ESTABLISHED CHURCH,**  
**AND THE DISSENTING AND EVANGELICAL CONGREGATIONS;**  
**AND SOME**  
**HISTORICAL MINUTES RESPECTING THE TEMPORAL POWER**  
**OF THE POPES; THE SEPARATISTS FROM THE CHURCH**  
**OF ROME BEFORE THE REFORMATION; THE SOCIETY**  
**OF JESUS; AND THE GUELPHIC FAMILY.**

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**By CHARLES BUTLER, Esq.**  
**OF LINCOLN'S-INN.**

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**ΦΩΝΑΝΤΑ ΕΠΙΕΙΚΕΣΙ.**

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**IN FOUR VOLUMES:**  
**VOL. IV.**

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***THIRD EDITION,***  
**CORRECTED, REVISED, AND CONSIDERABLY AUGMENTED.**

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**LONDON:**  
**JOHN MURRAY, ALBEMARLE-STREET.**

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**1822.**

Quare quis tandem me reprehendat, si quantum cæteris ad festos dies ludorum celebrandes, quantum ad alias voluptates, et ad ipsam requiem animi et corporis conceditur temporis : quantum alii tempestivis conviviiis, quantum alexæ, quantum pilæ, tantum mihi egomet, ad hæc studia recolenda, sumpsero.

CIC. PRO. ARCHIA.

Le changement d'étude est toujours un delassement pour moi.

D'AGUESSEAC.

Director  
Harding  
4-22-52  
78972

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SINCE the whole of these Memoirs were printed, the writer has been favoured with the inspection of the ample collections of printed books and manuscripts at Holkham, the magnificent seat of Mr. Coke :—they were made by the late earl of Leicester, the maternal uncle of Mr. Coke's father.—As a catalogue of the manuscript collection is now preparing for publication, under the direction of Mr. Roscoe, the present writer shall not now notice it, except by generally mentioning, that all men of learning, particularly biblical scholars, and those who are engaged in the study of the history or antiquities of this country, will find it extremely interesting, on account both of the number and the value of the articles which it contains. *Sic siti lætantur lares*,—the literary lares are never so well pleased as when they preside over a literary collection so ample, made with so much skill, and communicated with so much liberality.

In the printed collection, the writer found many works which he wished he had seen while he was engaged in the composition of these pages. The manuscript collection contains many articles of still greater importance to the history of the period which is the subject of these Memoirs. Four of them he shall specify.—1. An immense collection of *Reports made to the see of Rome*, by her nuncios and other agents in different parts of Europe; several of these relate, directly or indirectly, to the concerns of these dominions :—2. Among these reports is the *Report of Signor Gregorio Panzani*, mentioned in a former part of this work \*; it places the authenticity of that document

\* Ante, Vol. ii. p. 331.

beyond controversy :—3. An historical document, “ *De Hæresis Anglicanae intrusione & progressu, & de bello Catholico, ad annum 1641, in Hibernia cæpto, exindeque per aliquot annos gesto, commentarius,*” in 7,000 pages in folio. It was compiled by an Irish Roman-catholic priest, from the papers of the nuncio Rinuccini, and consists, like Rushworth’s “*Historical Collections,*” of documents introduced or connected by succinct narratives. It is mentioned by Carte, and he praises the compiler for his impartiality.—4. *Rinuccini’s own Report of his nunciature.* This is written in the Latin language, and Mr. Coke has obligingly permitted an English translation of it to be made for the present writer. It is of extreme value to this important part of the Irish history; and the present writer means to publish it, but in what form, he is not yet determined.

Holkham abounds in paintings and sculpture by the most celebrated masters. How little these are generally known! This confirms Mr. Gibbon’s remark, that if her exquisite monuments of art were, as is the case of most foreign countries, brought into her capitol, England would be astonished at her own treasures.

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**HISTORICAL MEMOIRS**  
**OF THE**  
**ENGLISH CATHOLICS,**  
**&c.**

**SINCE THE**  
**REFORMATION.**

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**CHAP. LXXXII.**

**THE ACT PASSED IN 1791 FOR THE RELIEF OF  
THE ENGLISH CATHOLICS.**

**WE** have now to present the reader with a summary account of the principal circumstances which attended the act, passed in 1791, for the relief of the English catholics : I. The formation of the English catholic committee in 1782 : II. The formation of the English catholic committee in 1787 : III. The memorial presented by the English catholics to Mr. Pitt : IV. The opinions of the foreign universities on the questions presented to them by his direction : V. The bill prepared by the direction of the committee for the relief of the English catholics : VI. The protestation signed by the English.

catholics: VII. The intended deputation of Dr. Hussey, afterwards bishop of Waterford, to Rome: VIII. The act passed in 1791, for the relief of the English catholics: IX. And the deposit of the Protestation at the Museum,—will be succinctly mentioned in the present chapter.

## LXXXII. 1.

*The Formation of the English Catholic Committee  
in 1782.*

IN the year 1782, lord Stourton, lord Petre, Mr. Throckmorton, afterwards sir John Throckmorton, Mr. Thomas Stapleton, and Mr. Thomas Hornyold, were appointed, at a general meeting of the English catholics, to be “a committee for five years, to promote and attend to the affairs of the roman-catholic body in England.”

A variety of circumstances prevented their making any particular exertions in the cause entrusted to them: the only measure of this description, which engaged their attention, was a plan for procuring the catholic ecclesiastics in this country to be formed into a regular hierarchy, by the appointment of bishops in ordinary, instead of vicars-apostolic.

The preceding pages have shown this to have long been the general wish of the secular clergy, and the steps which they had taken to accomplish this object.

Two arguments were particularly alleged in favour of this arrangement; its consonancy with the form of government established by Christ and his



apostles, and perpetuated through all succeeding ages, in every country in which the gospel has been received; and its being more agreeable to protestant governments than papal vicariats. Probably it would have been both for the temporal and spiritual advantage of the English catholics, if, after the establishment of the reformation by the legislative acts of the first parliament of queen Elizabeth, bishops in ordinary had been appointed and regularly continued in the British dominions: but the actual form of vicarial government had, at the time of which we are now speaking, subsisted during a whole century; the minds and the habits both of the clergy and the laity were accustomed to it; experience had shown that the practical inconveniences attending it were not very great; and change, without a moral certainty of its proving advantageous, is always to be deprecated. The greatest grievance attending the present system appears to be, the want of an available appeal, by which a person aggrieved by any proceeding of his prelate can obtain redress: all however must admit that, if there have been cases, in which such an appeal would have been desirable, the number of them has been very small.

Still, the proposed alteration in the ecclesiastical ministry of the English catholics deserved consideration,—particularly as the absolute dependance of the English vicars-apostolic on the see of Rome, had frequently been urged by the adversaries of the body, as an objection to the granting of the relief which they solicited.

The first step of the committee was to ascertain the expediency and practicability of the measure. So far as it was a spiritual concern, it belonged to the cognizance of the vicars-apostolic. The committee, therefore, addressed a letter to each of the four vicars-apostolic, most respectfully stating their own views, and requesting his opinion upon the subject. It appeared from their answers, that their opinions differed: the committee, upon this account, dropped the measure.

The powers of the committee having expired in the beginning of the year 1787, the appointment of a new committee became necessary.

#### LXXXII. 2.

##### *The Formation of the English Catholic Committee in 1787.*

At a general meeting of the English catholics on the 3d of May 1787, the following resolutions passed unanimously.

“ That some kind of appointment of persons  
“ take place, commissioned to watch over and  
“ promote the public interest of the English roman-  
“ catholics :

“ That the committee now to be elected, be  
“ under the same rules and regulations as the late  
“ committee :

“ That the committee do consist of ten :

“ That the meeting this day assembled, do elect  
“ five to form part of the said committee :

“ That letters be sent as generally as possible to

“ the gentlemen of the four districts, and of Lancashire and Cheshire, to recommend the electing of one gentleman from each\* ; and that ten so chosen shall form a committee :

“ And that there be a general annual meeting as heretofore, on the first Thursday in May.”

The meeting then proceeded to ballot : and, on the ballot, the numbers were in favour of lord Petre, lord Stourton, Mr. Throckmorton, afterwards sir John Throckmorton, sir Henry Charles Englefield, and Mr. Fermor.

Mr. Charles Butler was appointed secretary to the committee.

At a meeting, on the 14th of January 1788, of the members thus chosen, the secretary reported, that, in consequence of the resolution entered into at the last general meeting, he had written to the gentlemen of each district, to recommend the electing of one gentleman from each, to be of the committee, and that it appears, by their letters, that the majority was in favour of,

Lord Clifford,—for the western district ;

Sir John Lawson,—for the northern district ;

Sir William Jerningham,—for the midland district ;—

Thomas Hornyold, esq.—for the London district ;

And John Towneley, esq.—for the Lancashire and Cheshire districts.

\* *i. e.* One from each district ; and one from both the counties mentioned in the resolution.

By a resolution of a general meeting of the English catholics on the 15th of May 1788, the three following gentlemen were added to the committee :

Dr. James Talbot, the vicar-apostolic of the London district ;—Dr. Charles Berington, the coadjutor of the vicar-apostolic of the midland district ;—and the rev. Mr. Joseph Wilks, a monk of the order of St. Benedict.

### LXXXII. 3.

*The Memorial presented by the English Catholics to Mr. Pitt.*

At a general meeting of the English catholics on the 10th of February 1788, the following Memorial was unanimously approved, and, by their direction, presented to Mr. Pitt.

“ To the right honourable William Pitt, first  
“ lord of the treasury, and chancellor of his ma-  
“ jesty’s court of exchequer ;

“ The memorial of his majesty’s English sub-  
“ jects, professing the catholic religion,

“ Showeth,

“ That, by the laws now in force against persons  
“ professing the catholic religion, your memorial-  
“ ists are deprived of many of the rights of English  
“ subjects, and the common rights of mankind :

“ They are prohibited, under the most severe  
“ penalties, from exercising any act of religion, ac-  
“ cording to their own mode of worship :

“ They are subject to heavy punishments for

**“ keeping schools, for educating their children in  
“ their own religious principles at home ; and they  
“ are also subject to heavy punishments for send-  
“ ing their children for education abroad :**

**“ They are made incapable of serving in his  
“ majesty’s armies and navies :**

**“ They are restrained from practising the law,  
“ as barristers, advocates, solicitors, attorneys, or  
“ proctors :**

**“ They are obliged, on every occasion, to expose  
“ the most secret transactions of their families, by  
“ reason of the expensive and perplexing obliga-  
“ tion of enrolling their deeds :**

**“ They are subject, by annual acts of the legis-  
“ lature, to the ignominious fine of the double  
“ land-tax :**

**“ They are deprived of that constitutional right  
“ of English freeholders, voting for county mem-  
“ bers : They are not allowed to vote at the elec-  
“ tion of any other member :—They are therefore  
“ absolutely unrepresented in parliament :**

**“ They are excluded from all places civil and  
“ military :**

**“ They are disqualified from being chosen to a  
“ seat in the house of commons :**

**“ Their peers are deprived of their hereditary  
“ seat in parliament ; and their clergy, for exer-  
“ cising their functions, are exposed to the heaviest  
“ penalties and punishments, and, in some cases,  
“ to death :**

**“ That the laws, which subject them to these dis-**

“ abilities, penalties, and punishments, were passed  
“ against them in times of intolerance, for crimes  
“ of which they were not guilty, and for principles  
“ which they do not profess :

“ That, if any motives of policy ever existed,  
“ which, in any point of view, or by the opinions  
“ of any set of men, could justify the general ne-  
“ cessity or expediency of these laws, they have  
“ long since entirely ceased :—To continue them,  
“ must therefore be unjust, as it withholds from  
“ so many subjects, the first rights and comforts of  
“ society ; unwise, as it produces disunion among  
“ the people ; and impolitic, as it deprives the state  
“ of the labours and services of so many of its loyal  
“ subjects :

“ That, by the gracious and salutary act passed  
“ in the twentieth year of his present majesty, that  
“ one particular law, which most prevented their  
“ safely and quietly enjoying their landed pro-  
“ perty, was formally repealed, and an oath pre-  
“ scribed to them, by which, in the most solemn,  
“ most explicit, and most unequivocal terms, they  
“ disclaim the belief that ‘ there exists in any  
“ foreign prince, prelate, state, or potentate, either  
“ directly or indirectly, any civil jurisdiction, power,  
“ superiority, or pre-eminence whatsoever, within  
“ this realm,’—and, by which, in terms equally  
“ solemn, equally explicit, and equally unequi-  
“ vocal, they avow ‘ their absolute and unreserved  
“ allegiance and fidelity to his majesty’s person and  
“ government, the succession of the crown in his  
“ family, and the British constitution :

“ That the English catholics have universally  
“ taken this oath :

“ That their general conduct has been blameless  
“ and inoffensive :

“ That they hold no principle, which can be con-  
“ strued to extend to the subversion, disturbance, or  
“ disquiet of the civil or ecclesiastical government  
“ of this country :

“ That they live in the completest harmony with  
“ their fellow-subjects :—only separated from them  
“ by a difference of opinion in matters of religion,  
“ and only prevented from falling into the general  
“ mass of the community, by the distinctions pro-  
“ duced and kept alive by the laws still remaining  
“ in force against them :

“ That the British government and the nation at  
“ large have long been sensible of this ; and there-  
“ fore, (with an humanity, for which the English  
“ catholics are truly grateful) have not permitted  
“ the laws against them to be executed in their ut-  
“ most extent :

“ Hence, for a considerable time, none of the  
“ laws, which affect their lives, have been carried  
“ into execution, and there have not been many  
“ instances, where those laws, which affect their  
“ fortunes or their liberties, have been enforced.  
“ Prosecutions against them have received no aid  
“ from the legislature, no countenance from the  
“ courts of justice, no encouragement from the  
“ magistracy, and no favour from the people. In-  
“ formers against them have been universally de-  
“ spised ; the most virtuous and enlightened men

“ of the age have been their advocates; the nation  
 “ is their friend ;—the letter of the law their only  
 “ enemy. To this, it is owing, that they languish  
 “ under disabilities, which cramp their industry,  
 “ prevent their providing for their families, drive  
 “ them from their own country for education, ob-  
 “ tain them on foreigners for subsistence, and  
 “ make them, as it were, aliens amongst their fellow-  
 “ subjects :

“ That the doctrine of general toleration uni-  
 “ versally prevails :

“ And that no plea can be urged for tolerating,  
 “ in foreign countries, the dissenters from the mode  
 “ of worship established there, which may not,  
 “ with as great propriety, be urged, for tolerating  
 “ in England those of the catholic persuasion.

“ Upon these grounds, your memorialists hope  
 “ for your concurrence and support in their  
 “ intended application for redress of their  
 “ grievances.”

#### LXXXII. 4.

##### *The Opinions of the Foreign Universities.*

At a meeting of the catholic committee on the  
 9th of May 1788,

Present,

Lord Stourton,

Mr. Throckmorton,

Lord Petre,

Mr. Fermor,

Sir H. C. Englefield,

Mr. Hornyold,

Sir W. Jerningham,

Mr. John Towneley :

Lord Petre, Sir Henry Charles Englefield, and



Mr. Fermor, informed the committee, that they had, that morning, had a conference with Mr. Pitt; and read the following minute of what was said by him :

“ That government will make no objection to  
 “ the business relating to the relief of the English  
 “ roman-catholics, being brought before parliament  
 “ early next sessions :

“ But, he observed, if moved this session, it  
 “ will be impossible to carry the measure to a  
 “ conclusion; and, of course, it must lie over to  
 “ next year :

“ This, Mr. Pitt is of opinion, will not be a  
 “ favourable circumstance to the catholic cause, as  
 “ it will prevent government from preparing the  
 “ minds of some of the leading interests in this  
 “ country, previous to the bringing on of a measure  
 “ of such importance :

“ He also desired the catholics to furnish him  
 “ with authentic evidence of the opinion of the  
 “ catholic clergy and catholic universities, with  
 “ respect to the existence or extent of the pope’s  
 “ dispensing power :

“ That, though the relief prayed for appeared  
 “ simple and clear, yet many parts of it involved  
 “ great and weighty considerations for government  
 “ to determine upon :

“ He observed, that whatever was conceded to  
 “ the roman-catholics, the protestant dissenters  
 “ must also enjoy :

“ He concluded by saying, that though govern-  
 “ ment strongly wished that the subject might not

“ be moved this session, yet it was left to the  
 “ catholics to consider, whether they should run  
 “ the risk of the consequences attending its lying  
 “ over to next year :

“ Mr. Pitt repeated several times, he hoped the  
 “ roman-catholics would be assured, the present  
 “ adjournment of their business to next session  
 “ did not arise merely from motives of delay, but  
 “ that government seriously intended to consider  
 “ their situation, and wished to grant them that  
 “ relief, which, in prudence, they could adopt.”

Lord Petre, sir Henry Charles Englefield, and  
 Mr. Fermor, having communicated to the committee  
 this account of their interview with Mr. Pitt,  
 the committee addressed a letter to him, in which  
 they thanked him “ for the obliging and candid  
 “ manner in which he had received the deputa-  
 “ tion from them, and assured him that they would  
 “ lose no time in procuring the information he  
 “ wished to have respecting the opinion of catholics  
 “ on the pope’s dispensing power: and in the mean  
 “ time sent to him the publication intituled ‘ Ro-  
 “ MAN-CATHOLIC PRINCIPLES IN REFERENCE  
 “ TO GOD AND THE KING.’ ”—A copy of it is in-  
 serted in the Appendix to the third volume of these  
 Memoirs\*.—To give this document the greater  
 authenticity, the honourable James Talbot, then  
 vicar-apostolic of the London district of the English  
 roman-catholics, was pleased, at the request of the  
 members of the committee present at the meeting,  
 to sign the first page of it with his name.

In pursuance of Mr. Pitt's suggestions, three questions were sent to the universities of the Sorbonne, Louvaine, Douay, Alcala, and Salamanca. They were expressed in the following terms, and received the following answers :

“ 1. Has the pope or cardinals, or any body of men,  
“ or any individual of the church of Rome, any civil  
“ authority, power, jurisdiction, or pre-eminence  
“ whatsoever, within the realm of England ?

“ 2. Can the pope or cardinals, or any body of men,  
“ or any individual of the church of Rome, absolve  
“ or dispense with his majesty's subjects from their  
“ oath of allegiance, upon any pretext whatsoever ?

“ 3. Is there any principle, in the tenets of the  
“ catholic faith, by which catholics are justified in  
“ not keeping faith with heretics, or other persons  
“ differing from them in religious opinions, in  
“ any transaction either of a public or a private  
“ nature ?”

The universities answered unanimously :—

“ 1. That the pope or cardinals, or any body of  
“ men, or any individual of the church of Rome,  
“ *has not nor have* any civil authority, power, juris-  
“ diction, or pre-eminence whatsoever, within the  
“ realm of England.

“ 2. That the pope or cardinals, or any body of  
“ men, or any individual of the church of Rome,  
“ *can not* absolve or dispense with his majesty's  
“ subjects from their oath of allegiance, upon any  
“ pretext whatsoever.

“ 3. That there *is no principle* in the tenets of  
“ the catholic faith, by which catholics are justified

“ in not keeping faith with heretics, or other persons differing from them in religious opinions, in any transactions either of a public or a private nature.”

The opinions of the universities of the Sorbonne, Louvaine, and Douay, were first received, and were transmitted to Mr. Pitt with the following letter:—

“ Sir,  
“ The committee of the English catholics have the honour to lay before you the opinions of the universities of Sorbonne, Louvaine, and Douay, which have been transmitted to us in consequence of your desire.

“ You will, we hope, see from these opinions, that the sentiments of the most famous foreign bodies, perfectly coincide with those which we had the honour of stating to you last year, as our firm and sincere tenets.

“ At the same time we beg leave to call to your remembrance, that our opinions were fully stated to you previously to the obtaining these of the foreign universities; and that they were consulted, not as the rule by which we form our ideas of the duties of good subjects, but as a collateral proof to you, that our sentiments are consonant to those of the most enlightened and famous bodies of catholic divines on the continent upon these subjects.

“ We have the honour to be, &c.”

As soon as the other opinions were received, the committee transmitted them also to Mr. Pitt.

Copies of the questions proposed to the universities, and of their answers, and translations of them, are inserted in the Appendix to the first volume of these Memoirs\*.

## LXXXII. 5.

*Draft of a Bill for repealing the Laws against the Roman-catholics.*

At a meeting of the catholic committee at Mr. Butler's chambers, in Lincoln's-Inn, on the 19th of April 1788, at which lord Stourton, lord Petre, lord Clifford, sir Henry Englefield, sir William Jerningham, Mr. Throckmorton, Mr. Towneley, and Mr. Hornyold, were present, it was resolved,

“That Mr. Butler should prepare the draft of a bill for the repeal of the laws against the English catholics.”

The draft of such a bill was accordingly prepared by him.

With the approbation of the committee, it was afterwards laid before Mr. Hargrave, and professionally approved by him.

It consisted of several distinct clauses,—repealing all the laws which placed the English catholics in a worse situation than the protestant dissenters; so that, if it had passed in this form, the English catholics would, in respect to all civil rights, have been on a complete level with the protestant dissenters.

It contained no oath or declaration of any kind,

\* Appendix to Vol. i. Note II.

except that, in some instances, the benefits which it conferred, were extended to those only who had taken, or who should take, the oath contained in the act passed in 1778, for the relief of the catholics.

## LXXXII. 6.

*The Protestation.*

At the time, to which our subject has now led us, a general attempt was making to procure a modification of the statutes of uniformity.

They operate, but in a very different degree, on three distinct denominations of christians,—roman-catholics,—protestant dissenters,—and members of the established church.

All were then applying to the legislature for relief. At the head of the first was the catholic committee ;—at the head of the second, Mr. Beaufoy ;—at the head of the third, lord Stanhope.

The dissenters had recently published a pamphlet, intituled, “ *The Right of Protestant Dissenters to complete Toleration*, ”—a standard work among them. They expressed in it, the warmest wishes for the success of the roman-catholics, and called on them to publish their creed.

One express object of lord Stanhope’s bill was to give relief to the non-conformists of the established church ; but the medium, through which he proposed to effect this, was,—by liberating persons of every description from the penalties of non-conformity. The effect of this bill would, therefore,

have extended equally to catholics, to protestant dissenters, and to members of the established church; but it would not have been beneficial to all in an equal degree—as it would have been much more beneficial, in its consequences, to the catholics, than it would have been either to the protestant dissenters, or to the members of the established church, inasmuch as the penalties of non-conformity, to which a catholic is subject, are heavier than the penalties to which a protestant dissenter, or a member of the established church, is subject.

As there was a prejudice against the catholics, which did not exist, at least in the same degree, against any other dissenters, his lordship thought that, in their regard, it would be advisable to use a method of recommendation to the public, which the others did not appear to him to want.

This was,—that the roman-catholics should solemnly disclaim some of the tenets falsely imputed to them.

For this reason, with long consideration, and after perusing the works of some of the best catholic writers, and conferring with the ministers of other churches, and some of the leading men of all other parties,—but without the slightest communication with any roman-catholic\*,—his lordship framed the protestation; transmitted it to lord Petre, and recommended that it should be gene-

\* This was most explicitly declared at the time, both by lord Stanhope and the members of the committee,—and then never contradicted: the contrary has since been asserted, but without the slightest proof.

rally signed. On the receipt of it, lord Petre instantly forwarded it to the secretary of the committee, with directions to send copies of it immediately to the four vicars-apostolic.

Such was the origin of the protestation.

At a meeting of the committee on the 17th of December 1788,

Present,

Lord Petre,

Sir H. C. Englefield,

Mr. Throckmorton,

Mr. Towneley,

Mr. Berington,

Mr. Wilks:

A letter from Mr. Walmesley on the subject of the protestation was read.

Mr. Berington acquainted the committee with the sentiments of Mr. Thomas Talbot upon it.

The secretary acquainted the committee with the sentiments of Mr. James Talbot upon it.

In consequence of which, some alterations were made in it; and, with these alterations, it was approved of.

It was resolved, that, with these alterations, “it should be immediately transmitted to the vicars-apostolic, accompanied by a letter to them from the secretary, requesting their sentiments upon it.

At a meeting of the committee on the 18th of the same month, at which lord Petre, Mr. Throckmorton, Mr. Berington, and Mr. Wilks, were present, it was resolved, that “as soon as the protestation was approved of by the vicars-apostolic, the secretary should take such measures as he should think advisable, to procure the general signatures of the catholics to it.”



Mr. Mitford was requested to undertake the moving, and Mr. Windham the seconding of the bill in the house of commons.

Both agreed to comply with the request.

In pursuance of the resolutions of the committee, the secretary transmitted copies of the protestation to the four vicars-apostolic,—Dr. James Talbot, Dr. Thomas Talbot, Dr. Walmesley, and Dr. Matthew Gibson.

ALL signed it:—the three first with their own hands, Dr. Gibson, by Dr. James Talbot, whom he authorized to sign it for him.

It is expressed in the following terms:—

“ We, whose names are hereunto subscribed,  
“ catholics of England, do freely, voluntarily, and  
“ of our own accord, make the following solemn  
“ declaration and protestation.

“ Whereas sentiments unfavourable to us, as citi-  
“ zens and subjects, have been entertained by Eng-  
“ lish protestants, on account of principles which  
“ are asserted to be maintained by us, and other  
“ catholics, and which principles are dangerous  
“ to society, and totally repugnant to political and  
“ civil liberty;—it is a duty that we, the English  
“ catholics, owe to our country, as well as to our-  
“ selves, to protest, in a formal and solemn manner,  
“ against doctrines that we condemn, and that con-  
“ stitute no part whatever of our principles, religion,  
“ or belief.

“ We are the more anxious to free ourselves  
“ from such imputations, because divers protestants,  
“ who profess themselves to be real friends to

“ liberty of conscience, have, nevertheless, avowed  
“ themselves hostile to us, on account of certain  
“ opinions which we are supposed to hold. And  
“ we do not blame those protestants for their hos-  
“ tility, if it proceeds (as we hope it does) not from  
“ an intolerant spirit in matters of religion, but from  
“ their being misinformed as to matters of fact.

“ If it were true that we, the English catholics, had  
“ adopted the maxims that are erroneously imputed  
“ to us, we acknowledge that we should merit the  
“ reproach of being dangerous enemies to the state ;  
“ but, we detest those unchristian-like and execra-  
“ ble maxims : and we severally claim, in common  
“ with men of all other religions, as a matter of  
“ natural justice, that we, the English catholics,  
“ ought not to suffer for, or on account of, any  
“ wicked or erroneous doctrines that may be held  
“ by any other catholics, which doctrines we pub-  
“ licly disclaim, any more than British protestants  
“ ought to be rendered responsible for any dan-  
“ gerous doctrines that may be held by any other  
“ protestants, which doctrines they, the British  
“ protestants, disavow.

“ First, We have been accused of holding, as a  
“ principle of our religion, that princes excommu-  
“ nicated by the pope and council, or by authority  
“ of the see of Rome, may be deposed or murdered  
“ by their subjects or other persons.

“ But, so far is the above-mentioned unchris-  
“ tian-like and abominable position from being a  
“ principle that we hold, that we reject, abhor, and  
“ detest it, and every part of it, as execrable and

“ impious ; and we do solemnly declare, that nei-  
“ ther the pope, either with or without a general  
“ council, nor any prelate, nor any priest, nor any  
“ assembly of prelates or priests, nor any ecclesi-  
“ astical power whatever, can absolve the subjects  
“ of this realm, or any of them, from their allegiance  
“ to his majesty king George the third, who is by  
“ authority of parliament, the lawful king of this  
“ realm, and of all the dominions thereunto be-  
“ longing.

“ 2dly, We have also been accused of holding,  
“ as a principle of our religion, that implicit obe-  
“ dience is due from us to the orders and decrees  
“ of popes and general councils ; and that there-  
“ fore if the pope, or any general council, should,  
“ for the good of the church, command us to take  
“ up arms against government, or by any means to  
“ subvert the laws and liberties of this country, or  
“ to exterminate persons of a different persuasion  
“ from us, *we* (it is asserted by our accusers) hold  
“ ourselves bound to obey such orders or decrees,  
“ on pain of eternal fire.

“ Whereas we positively deny that we hold any  
“ such obedience to the pope and general council,  
“ or to either of them ; and we believe that no act  
“ that is in itself immoral or dishonest can ever be  
“ justified by or under colour that it is done either  
“ for the good of the church, or in obedience to any  
“ ecclesiastical power whatever. We acknowledge  
“ no infallibility in the pope ; and we neither ap-  
“ prehend nor believe that our disobedience to any  
“ such orders or decrees (should any such be given

“ or made) could subject us to any punishment  
“ whatever. And we hold and insist, that the  
“ catholic church has no power that can, directly  
“ or indirectly, prejudice the rights of protestants,  
“ inasmuch as it is strictly confined to the refusing  
“ to them a participation in her sacraments and  
“ other religious privileges of her communion,  
“ which no church (as we conceive) can be ex-  
“ pected to give to those out of her pale, and which  
“ no person out of her pale will, we suppose, ever  
“ require.

“ And we do solemnly declare, that no church,  
“ nor any prelate, nor any priest, nor any assembly  
“ of prelates or priests, nor any ecclesiastical power  
“ whatever, hath, have, or ought to have, any juris-  
“ diction or authority whatsoever within this realm,  
“ that can, directly or indirectly, affect or interfere  
“ with the independence, sovereignty, laws, con-  
“ stitution, or government thereof; or the rights,  
“ liberties, persons, or properties of the people of  
“ the said realm, or of any of them, save only and  
“ except by the authority of parliament; and that  
“ any such assumption of power would be an  
“ usurpation.

“ 3dly, We have likewise been accused of hold-  
“ ing, as a principle of our religion, that the pope,  
“ by virtue of his spiritual power, can dispense with  
“ the obligations of any compact or oath taken or  
“ entered into by a catholic: that therefore no oath  
“ of allegiance, or other oath, can bind us; and  
“ consequently that we can give no security for our  
“ allegiance to government.

“ There can be no doubt but that this conclusion  
“ would be just, if the original proposition upon  
“ which it is founded were true ; but we positively  
“ deny that we do hold any such principle. And  
“ we do solemnly declare, that neither the pope, nor  
“ any prelate, nor any priest, nor any assembly of  
“ prelates or priests, nor any ecclesiastical power  
“ whatever, can absolve us, or any of us, from, or  
“ dispense with, the obligations of any compact or  
“ oath whatsoever.

“ 4thly, We have also been accused of holding,  
“ as a principle of our religion, that, not only the  
“ pope, but even a catholic priest, has power to par-  
“ don the sins of catholics at his will and pleasure ;  
“ and therefore that no catholic can possibly give  
“ any security for his allegiance to any govern-  
“ ment, inasmuch as the pope or a priest can pardon  
“ perjury, rebellion, and high treason.

“ We acknowledge also the justness of this  
“ conclusion, if the proposition upon which it is  
“ founded were not totally false. But, *we* do so-  
“ lemnly declare, that, on the contrary, we believe  
“ that no sin whatever can be forgiven at the will  
“ of any pope, or of any priest, or of any person  
“ whomsoever ; but that a sincere sorrow for past  
“ sin, a firm resolution to avoid future guilt, and  
“ every possible atonement to God, and the injured  
“ neighbour, are the previous and indispensable  
“ requisites to establish a well-founded expectation  
“ of forgiveness.

“ 5thly, And we have also been accused of  
“ holding, as a principle of our religion, that no

“ faith is to be kept with heretics ; so that no  
“ government which is not catholic can have any  
“ security from us for our allegiance and peaceable  
“ behaviour.

“ This doctrine, that faith is not to be kept with  
“ heretics, we reject, reprobate, and abhor, as being  
“ contrary to religion, morality, and common ho-  
“ nesty : and we do hold and solemnly declare,  
“ that no breach of faith with any person whom-  
“ soever, can ever be justified by reason of, or  
“ under pretence, that such person is an heretic or  
“ an infidel.

“ And we further solemnly declare, that we do  
“ make this *declaration* and *protestation*, and every  
“ part thereof, in the plain and ordinary sense of  
“ the words of the same, without any evasion,  
“ equivocation, or mental reservation whatsoever.

“ And we appeal to the justice and candour of  
“ our fellow-citizens, whether we, the English ca-  
“ tholics, who thus solemnly disclaim, and from our  
“ hearts abhor the above-mentioned abominable  
“ and unchristian-like principles, ought to be put  
“ upon a level with any other men who may hold  
“ and profess those principles.”

With a very inconsiderable exception, the pro-  
testation was signed by all the catholic clergy and  
laity in England of any note. In the public prints,  
it was circulated throughout the country. It was  
received with general approbation. In 1789, it  
was signed, in London, at a general meeting of the  
English catholics, by every person present.

.. A copy of it was laid before parliament by the

committee, with a petition, “praying to be relieved  
“from certain penalties, to which they lay daily  
“exposed, on the pretence of doctrines which they  
“had solemnly protested against.”

Soon after the protestation and its signature by the English catholics became generally known, the proposal of a new oath was made to the committee. Far from promoting, they at first were backward in acceding to the proposal. But it was strongly represented to them, that “new benefits called for  
“new assurances of fidelity;” that, “a more ample  
“extension of privileges demanded from them a  
“more ample declaration of their principles;” that  
“the nation at large expected it,” and that, “in  
“the opinion of their best friends, they ought to  
“make it.” For these reasons, the committee, at length, consented to the measure, as conducive to the end they had in view,—the success of their intended bill in parliament. An oath was accordingly framed, which, in its original form, was an exact transcript of the protestation, and consequently contained nothing more, than what the bishops, with the body of English catholics, had already signed and approved.

It was communicated to the ministry: the two great leaders of administration, in the law and civil department, thought fit to make alterations in it. These alterations were immediately submitted to the inspection of the three ecclesiastical members of the committee. Their voice was unanimous in favour of the admissibility of the alterations.

But, that nothing might seem hastily done in this

important matter, bishop James Talbot took the oath, in its altered state, with him into the country; kept it by him two days, and, at the next meeting of the committee, returned it, with a verbal declaration, that “ he saw nothing in it contrary to faith or good morals.”

Of this material circumstance, a minute\* is made and signed by seven members of the committee.

The clause in the protestation, which was the subject of this alteration, was the following: “ That  
 “ no church, nor any prelate, nor any assembly of  
 “ prelates or priests, nor any ecclesiastical power  
 “ whatsoever, have, hath, or ought to have, any  
 “ jurisdiction or authority whatsoever, within this  
 “ realm, that can directly or indirectly affect or  
 “ interfere with the independence, sovereignty,  
 “ laws, constitution, or government thereof: or the  
 “ rights, liberties, persons, or properties of the  
 “ people of the said realm, or any of them.”

In the oath the party declared, “ that no foreign  
 “ prince, person, prelate, state, or potentate, hath, or

• “ At a meeting of the committee, on the 19th of November,  
 “ 1789,

“ Present,

“ Lord Petre,

“ Mr. Hornyold,

“ Mr. Throckmorton,

“ The right rev. Mr. C. Berington,

“ Mr. Fermor,

“ Mr. Wilks:

“ Mr. Towneley,

“ It was moved, that the committee recollects, perfectly well, that the oath, in its present form, was delivered  
 “ to Mr. James Talbot, kept by him for two days, and by him  
 “ returned to the committee, with a verbal declaration, that  
 “ he saw nothing in it contrary to faith or good morals:—

“ Resolved unanimously.”



“ ought to have, any civil jurisdiction or authority  
“ whatsoever, within this realm ;—or any spiritual  
“ authority, power, or jurisdiction whatsoever, that  
“ can directly or indirectly affect or interfere with  
“ the independence, sovereignty, laws, or constitu-  
“ tion of this kingdom, or with the civil or eccle-  
“ siastical government thereof, as by law estab-  
“ lished, or with the rights, liberties, persons, or  
“ properties of the subjects thereof.”

By the direction of the committee, a copy of the oath, in its altered form, was inserted at length in Woodfall's Register, June 26th 1789. Two hundred copies of it were separately printed, and one of them was sent by the secretary of the committee to the senior vicar-apostolic.

About this time, some leading persons in the country thought that it would be more prudent to effect the object of the bill by a general enactment. In consequence of these suggestions, it was found necessary, (but much in opposition to the opinion of the secretary), to *re-model the bill, into another form.*

The length of time which it took to arrange the bill to the satisfaction of the different parties, with whom it was found necessary to advise, made it so late in the session, before it was finally settled, that it was thought advisable to postpone the bringing of it into the house till the next session ;—but, to put it in a train to proceed, when business should be resumed, Mr. Mitford was requested to inform the house of his intention to bring it in,—and to apprise the house generally of its tendency and

operation.—This, he obligingly did; and thus, without introducing the bill regularly into the house, he formally drew their attention to it, and to the oath which it contained.—The heads of the bill, and the form of the oath, were printed in the public papers.

On the 21st of October 1789, the four vicars-apostolic, Dr. Walmesley, Dr. James Talbot, Dr. Thomas Talbot, and Dr. Matthew Gibson, signed an encyclical letter, addressed by them to all the faithful, both clergy and laity, in their four districts, by which they signified that, “having held  
“a meeting on the 19th October 1789, after mature deliberation and previous discussion, they  
“unanimously condemned the new form of an oath  
“intended for the catholics, published in Woodfall’s Register, June 26th 1789, and declared it  
“unlawful to be taken; and also declared, that  
“none of the faithful, clergy or laity, under their  
“care, ought to take any new oath, or sign any  
“new declaration in doctrinal matters, or subscribe  
“any new instrument, wherein the interests of religion are concerned, without the previous approbation of their respective bishops.”

Very soon after the encyclical letter was signed, the prelates caused a copy of it to be transmitted to the secretary, and he lost no time in sending copies of it to all the members of the committee. He caused it to be represented, through respectable channels, to each of the vicars-apostolic, “how  
“greatly it was to be wished, that the proceeding  
“should be suspended till measures of accommodation should have been tried and found ineffec-

“ tual ;”—and he respectfully suggested that, “ in  
“ all events, before they separated, it was highly  
“ desirable they should agree on such alterations  
“ as would remove the objections to the oath.”

Dr. Walmesley, however, notified the encyclical letter to the catholics of his district, and, after a temporary suspense, Dr. Gibson did the same, in his district. With the two other prelates, the secretary was more successful : he prevailed on them to suspend the publication of the encyclical letter ; and it was never published either in the London or in the midland districts.

To accommodate the difference, a meeting took place on the 3d of February 1790, at the Crown and Anchor in the Strand. The following members of the committee attended it :

The right rev. Dr. Charles	Sir H. C. Englefield,
Berington,	Mr. Throckmorton,
The rev. Mr. Joseph Wilks,	Mr. Fermor,
Lord Petre,	Mr. John Towneley,
Sir John Lawson,	Mr. Hornyold,

And, by their desire, were also present,

The right rev. Dr. Walmesley,	The rev. Mr. Archer,
The right rev. Dr. Sharrock,	The rev. Mr. O'Leary,
his coadjutor,	The rev. Mr. Strickland,
The hon. and right rev. Dr.	The rev. Mr. Meynell,
Thomas Talbot,	The rev. Mr. Adams,
The rev. Mr. Bernard,	The rev. Mr. Lindo,
The rev. Dr. Belasyse,	The rev. Mr. Brown,
The rev. Dr. Rigby,	The rev. Mr. Gabb,
The rev. Mr. Hussey, after-	The rev. Mr. Gregg,
wards bishop of Water-	The rev. Mr. Booth,
ford,	The rev. Mr. Willacy,

Lord Arundell,  
 Sir Thomas Fletewood,  
 Sir John Nicholson,  
 Mr. Thomas Stapleton,  
 Mr. William Sheldon,  
 Mr. Francis Witham,  
 Dr. Nihil,  
 Mr. Hearne,  
 Mr. Henry Clifford,

Mr. Thomas Hawkins,  
 Mr. Manby,  
 Mr. Michael Blount,  
 Mr. Thomas Wright,  
 Mr. Francis Eyre,  
 Mr. Gifford,  
 Mr. Crook,  
 Mr. Bostock,  
 Mr. Douglas.

It was moved,

“ That the committee shall endeavour to prevail  
 “ on the legislature to alter the oath to the words  
 “ of the protestation ; and that, so altered, the oath  
 “ will be unobjectionable.”

It was resolved unanimously, with the exception of Dr. Walmesley's dissent ;—and of Dr. Sharrock's declining to give any answer for the present.

In consequence of this resolution, lord Petre waited on Mr. Mitford, and informed him of the wish of the catholics, that the alteration in question should be made in the oath.

Mr. Mitford obligingly promised to use his endeavours to reconcile government to it ; but observed, that any alteration was greatly to be avoided, from the tendency of every alteration to obstruct the success of the bill.

The oath was altered accordingly, and stood therefore in the following form :

“ That no church, nor any prelate, nor any as-  
 “ sembly of prelates or priests, nor any ecclesiastical  
 “ power whatsoever, have, hath, or ought to have,  
 “ any jurisdiction or authority whatsoever within  
 “ this realm, that can, directly or indirectly, inter-

“ fere with the independency, sovereignty, laws,  
“ constitution, government, or the rights, liberties,  
“ persons, or properties of the people of the said  
“ realm, or any of them.”

This alteration satisfied Dr. Thomas Talbot, the vicar-apostolic of the midland district ; but did not satisfy the vicars-apostolic of the London, northern and western districts. Dr. John Douglas had become vicar-apostolic of the London district, and Dr. William Gibson of the northern ; having, on the deaths of Dr. James Talbot and Dr. Matthew Gibson, been severally appointed to these sees. The three prelates, by an encyclical letter, dated the 19th of January 1791, addressed to the faithful of their respective districts, after noticing their condemnation of the former oath, and that their condemnation of it was confirmed by the apostolic see, and sanctioned also by all the bishops in England and Ireland, declared, that “ the altered oath  
“ remained liable to the censure fixed on the  
“ former :”—they also expressed “ their total dis-  
“ approbation of the appellation of protesting ca-  
“ tholic dissenters, given the roman-catholics in  
“ the bill.”

A report having been spread that the right rev. Mr. Thomas Talbot had altered his sentiments in respect to the lawfulness of the oath as it then stood, Dr. Charles Berington was desired to inquire into this circumstance. The result is stated in the following entry of the minutes of the committee.

“ At a meeting of the catholic committee at Mr.  
 “ Butler’s chambers, on the 15th of February 1791;

“ Present,

“ Lord Stourton,                      “ Mr. Towneley,

“ Lord Petre,                      “ Mr. Hornyold,

“ Sir H. C. Englefield,   “ Mr. Berington,

“ Mr. Throckmorton,   “ Mr. Wilks :

“ Mr. Fermor,

“ Mr. Berington brought back the papers,  
 “ and the following letter :

“ *Copy of a Letter to the right reverend*

“ *Mr. Charles Berington.*

“ Dear sir,

“ You request to know our opinion of what  
 “ passed in the public conversation at Longbirch  
 “ yesterday. We can have but one opinion.

“ Mr. Thomas Talbot repeatedly, in the most un-  
 “ equivocal manner, declared, that he approved of  
 “ the oath in its present form, which form, agree-  
 “ ably to his own requisition, had been accepted  
 “ in a public meeting, on the 3d of February  
 “ 1790 ;—that from that approbation he should  
 “ not recede ;—that when, in a letter he lately  
 “ addressed to Mr. Gibson in London, he spoke  
 “ of having condemned the oath, he meant the  
 “ oath as it was originally worded ; for, that he  
 “ could not mean to say he had condemned that  
 “ which he had publicly approved :—that he  
 “ even lamented that measures, in the condem-  
 “ nation of the first oath, had been so precipitately  
 “ conducted ;—that he thought it unnecessary, at

“ this time, to give a formal approbation of the  
 “ present oath, because his former declaration, he  
 “ knew, was on the minutes of the committee, and  
 “ must be very publicly known ;—that he appre-  
 “ hended besides, should he (as we requested he  
 “ would) give you a written approbation of the  
 “ oath, that it might still more irritate the minds  
 “ of some men, and tend to widen the unhappy  
 “ breach :—Finally, that he admired the temper  
 “ and great moderation of the gentlemen of the  
 “ committee, whose views, he thought, were most  
 “ upright, and whose zeal to promote the cause of  
 “ religion and the interest of their catholic brethren  
 “ merited the warmest commendation.

“ Such were Mr. Talbot’s sentiments, often ex-  
 “ pressed before us in the course of the day :—  
 “ and with regard to ourselves, give us leave, sir,  
 “ on this occasion, to repeat to you our deliberate  
 “ acquiescence in the words of the oath ; to lament  
 “ the continuance of the opposition which is made  
 “ to it ; and to testify how much we applaud the  
 “ general measures which have been hitherto pur-  
 “ sued by you and the other gentlemen of our  
 “ committee, to obtain from parliament a further  
 “ redress of grievances.—With sincere regard, we  
 “ remain, dear sir, your most affectionate and  
 “ humble servants,

“ Anthony Clough,      “ Joseph Berington,

“ Thomas Flyn,          “ Edward Eyre.

“ George Beeston,

“ Longbirch, February 15th, 1791. Directed  
 “ to the right rev. C. Berington.”

The condemnation of the oath by the three vicars-apostolic, did not withhold the committee from continuing their exertions to obtain the passing of the bill, or induce them to take any step for obtaining an alteration in the oath. In a letter, which they addressed to the general body of the English catholics, on the 21st of April 1792, they thus express themselves on the subject :

“ With respect to the oath,—our sentiments upon  
“ it were these :—The favourable disposition of the  
“ public,—and the readiness which the legislature  
“ showed to grant the relief petitioned for, were  
“ considered by us, as owing, in a great measure,  
“ to the protestation. In this, we were by no means  
“ singular. It was the opinion of the best and  
“ wisest of our friends :—that part of our fellow-  
“ subjects, from whose prepossessions we had most  
“ reason to dread opposition to our relief, were,  
“ after they had considered our protest, cordially  
“ reconciled to the equity of the measure. The  
“ protestant dissenters surrendered, by immediate  
“ conviction, every ancient jealousy and suspicion,  
“ and gave us their good wishes and support. In  
“ a letter, which the noble lord, who moved our  
“ bill in the house of peers, has since been pleased  
“ to write us, his lordship thus expresses himself:  
“ —‘ It is highly creditable to the liberal spirit of  
“ the times,—that I could have but little distinc-  
“ tion in the part that I took. The concurrence  
“ was universal for restoring you to those immu-  
“ nities to which your unambiguous abjuration of  
“ any interest, separate from that of the community,



“ irrefragably established your right. I am con-  
“ vinced your sentiments, as citizens, have long  
“ merited that indulgence. But it required your  
“ public profession, as an aggregate body, to au-  
“ thorize the legislature to remove restrictions,  
“ which the unfortunate temper of earlier times  
“ had rendered, perhaps, indispensable.’

“ After this, you will not be surprised at the  
“ partiality of your committee to the oath, as it  
“ was originally framed upon the protestation.

“ But this was not all.—The protestation was a  
“ solemn instrument, signed, (with few exceptions  
“ indeed), by all the clergy and all the laity. To  
“ the minister, to the houses of parliament, to the  
“ nation, your committee had solemnly presented  
“ it, as an explicit and unequivocal declaration of  
“ the sentiments of the English catholics, as men  
“ and citizens. The oath, (whatever might be the  
“ sentiments of others), was, in the opinion of your  
“ committee, a counterpart of the protestation. To  
“ withdraw the oath, appeared to us receding from  
“ the protestation. To recede from the protes-  
“ tation, we held in horror; we thought it an act  
“ of unjustifiable perfidy; we were persuaded it  
“ would cover the body, and ourselves in par-  
“ ticular, with ignominy, and make us for ever  
“ despicable in the eyes of men of honour, prin-  
“ ciple, consistency of character, or truth. We  
“ never, therefore, could be induced to solicit the  
“ withdrawing of the oath.

“ *But here we rested.* When your present oath,  
“ or the oath of 1778, or the Canada oath, or any

“ other unobjectionable oath was proposed, we never  
 “ refused to testify our readiness to take it, if the  
 “ legislature should think proper to impose it on  
 “ us ; but, at the same time, we uniformly declared,  
 “ we had no conscientious objections to the oath as  
 “ it then stood. We said, we had signed the pro-  
 “ testation : that we considered the oath to be a  
 “ counterpart of the protestation, and that from the  
 “ protestation we never would recede\*.”

\* 1. Most of our readers are, we believe, acquainted with the famous passage in St. Augustine, “ Audite reges terræ ! Audi circumcisio ! Audi præputium ! Non *impedio* dominationem vestram.” Hear, ye kings of the earth ! Hear, ye circumcised ! Hear, ye uncircumcised ! I do not **IMPEDE** your domination.

2. In the oath taken by the Irish clergy and laity, they swear that “ they will not exercise *any* privilege, to which they are or may be entitled, to disturb and weaken the protestant religion and protestant government in Ireland.”

It has been asked of those, who thought the oath formed on the protestation objectionable,—what is the substantial difference between the word *impede*, in the passage cited from St. Augustine, the words *disturb and weaken* in the Irish oath, and the words “ affect and interfere,” in the oath framed on the protestation ?

The difference has not yet been pointed out. Two English lawyers of the greatest eminence, Mr. Hill, the king’s first serjeant at law, and Mr. Lee, his majesty’s solicitor-general, gave their decided opinions that the words “ *interfere with*,” in the oath formed on the protestation, were to be construed of an interference by *temporal means*.—Most unquestionably, these gentlemen, however respectable, were not entitled to a vote in any question respecting the *nature* or *extent* of the spiritual powers of the church,—but, most assuredly, when a question arose, *what the legislature meant* by the words “ *interfere with*,”—the opinion of such men was certainly of great weight.

To prevent any misconception of their conduct by the holy see, the committee determined to de-

When a dispute arose in China, whether the words *Tien* and *Xangti* were understood by the Chinese themselves to denote "God," in the sense in which that word is understood by christians,—or "the god of Chinese idolatry," the jesuits justly asserted that the emperor's own declaration on the subject was of great weight.

To the same, but not to more, the opinions of the king's serjeant and solicitor-general were justly entitled.

We shall now transcribe the case and opinions.

Case, with Mr. Serjeant Hill's Opinion.

" Mr. serjeant Hill is requested to peruse the oath, in the  
" heads of the bill left herewith, as altered in red ink.

" A doubt has arisen in the minds of some catholics, whe-  
" ther some parts of the oath, particularly the clause in red  
" ink, do not amount to a denial of the spiritual rights, with  
" which, according to their religious tenets, the church and  
" her ministers, and particularly the pope, is invested :—As  
" those of preaching the faith,—administering the sacra-  
" ments,—ordaining the ministers of the church,—punishing  
" by spiritual censures, &c.—if it amount to a denial of the  
" pope, the church, and her ministers, being invested with  
" the rights of this nature, it is an oath which a catholic can-  
" not take consistently with his religious principles.

" On the other hand it is contended, that it is not meant to  
" deny, by the oath, any spiritual right of the church ; but  
" merely the right of the church to interfere in temporal  
" concerns, or to use temporal means to enforce her spiritual  
" censures.

" Two propositions are admitted on all sides :

" The one, that the church is invested with a complete au-  
" thority in spiritual concerns ; and a power to enforce that  
" authority by the spiritual means of censures ; and that the  
" pope is the spiritual head of the church.

" The other, that neither the church nor the pope have,  
" either directly or indirectly, any temporal power in this  
" kingdom.

pute the rev. Mr. Hussey, afterwards bishop of Waterford, to his holiness. We shall transcribe

“ The question therefore is, whether the oath in question,  
 “ and particularly that part of it which is written in red ink,  
 “ is a denial of the spiritual authority of the church or the  
 “ spiritual supremacy of the pope?

*Opinion.*

“ No form of civil government, nor any system of laws, was  
 “ instituted by Christ or his apostles, nor any commission  
 “ granted to their successor, to enforce the christian doctrine  
 “ by temporal power. The authority of the pope and the  
 “ church is derived from them. The words of the oath do  
 “ not import a denial of their having this authority: they  
 “ only deny their having temporal power, or a right to  
 “ enforce the spiritual authority by temporal power. This  
 “ is all the party who takes the oath will or can be un-  
 “ derstood to swear or assert, when he swears, in the words  
 “ of the oath, that they have no jurisdiction or authority that  
 “ can either directly or indirectly affect or interfere with the  
 “ independence, sovereignty, laws, constitution, or govern-  
 “ ment thereof, or with the rights, liberties, persons, or pro-  
 “ perties of the people of the said realm, or any of them;—  
 “ therefore, I think the oath is not a denial of the spiritual  
 “ authority of the church, or the supremacy of the pope.

“ Lincoln’s Inn, Feb. 18, 1791.

“ *G. Hill.*”

· Extract from Mr. Solicitor-general Lee’s letter.

“ A state or constitution has the rights of self-defence, as  
 “ well as an individual; and it is competent to each commu-  
 “ nity to make such regulations, and to stipulate such condi-  
 “ tions, as appear, on their best consideration, to produce the  
 “ greatest good, and to avert the most evil from society. The  
 “ most usual, and perhaps the most unexceptionable, is an  
 “ oath of fidelity to the estate. For no man has a right to  
 “ remain in and be protected by the laws of any community,  
 “ that is plotting its destruction. On this simple and plain  
 “ ground I think every legislature ought to proceed; and I  
 “ trust that it will be thought neither injurious to the civil

the minutes of the committee respecting his intended deputation.

LXXXII. 7.

*Intended Deputation of the rev. Mr. Thomas Hussey to Rome on the subject of the Bill.*

AT a meeting of the committee of English catholics, at the Crown and Anchor in the Strand, on the 5th Nov. 1790 ;

Present,

Dr. Charles Berington,	Mr. Throckmorton,
Mr. Wilks,	Mr. Fermor,
Lord Stourton,	Mr. Towneley,
Lord Petre,	Mr. Hornyold :
Sir H. C. Englefield,	

It was moved, and unanimously resolved,

“ That Mr. Hussey be requested to go to Rome,  
“ in the name of the committee, to lay before his  
“ holiness, a fair representation of the late pro-  
“ ceedings of the committee, and an exact state of  
“ the present situation of the English catholics.”

At a meeting of the committee of English catholics on the 1st Dec. 1790 ;

“ rights, nor offensive to the consciences of peaceable catho-  
“ lics to comply with it. Pretending to no subtle casuistry,  
“ I cannot well see how any man who can take the oath of  
“ 1778, can rationally object to the proposed oath.”

On this ground, the writer always thought that the clause in the oath grounded on the protestation was properly interpreted by the committee :—but he repeats, that, in the turn which the business took, he sincerely rejoiced that the oath was abandoned.

Present,

Dr. Charles Berington,	Mr. Throckmorton,
Mr. Wilks,	Mr. Fermor,
Lord Stourton,	Mr. Towneley,
Lord Petre,	Mr. Hornyold :
Sir H. Englefield,	

Mr. Hussey attended, by the desire of the committee, and was informed of the above resolution, and accepted the deputation, and desired minutes of instructions might be drawn up and given him for his conduct.

At a meeting of the committee on the following day ;—

Present,

Dr. Charles Berington,	Sir Henry Englefield,
Mr. Wilks,	Mr. Throckmorton,
Lord Stourton,	Mr. Towneley,
Lord Petre,	Mr. Hornyold :

It was moved, and unanimously resolved,

That the following instructions be communicated to Mr. Hussey ; and that he should be requested to attend the meeting of the following day.

“ Mr. Hussey will make every prudent exertion  
 “ to clear up any misrepresentations, and to give an  
 “ accurate account of the state of the catholics in  
 “ this country.

“ The main object, which he is requested to keep  
 “ steadily in view, is, the necessity the English  
 “ catholics were under, of vindicating the integrity of their principles, repelling the slanderous  
 “ charges uniformly brought against them, for two

“ centuries past, and of removing those penal and  
“ disabling statutes, which have been gradually  
“ undermining their body, and must, at length,  
“ operate almost a total extinction of the catholic  
“ religion in these dominions. He will represent,  
“ that religion has always been supported, and is  
“ at present every where supported; except in some  
“ few populous towns, entirely by the voluntary  
“ munificence of the nobility and gentry; and,  
“ unless they recover their rights, there is immi-  
“ nent danger of the catholic religion’s declining  
“ with great rapidity.

“ He will take an opportunity of expressing the  
“ surprise and astonishment of the peers and gentry,  
“ who never received any answer to the applica-  
“ tion, they made on the election of Mr. Berington.  
“ He will explain the rise and progress of the pre-  
“ sent business; and show that the protestation  
“ was not a voluntary offer of the committee; but  
“ a pledge of uprightness called for, by our pro-  
“ testant fellow-subjects; was not attempted to be  
“ carried into execution, as a basis of public mea-  
“ sures, until it had been approved and signed by  
“ the apostolic vicars, the far greater part of the  
“ clergy, and most of the respectable laity in the  
“ four districts; that it has been already presented  
“ to parliament, and therefore, if the present form  
“ be not perfectly correct in the wording, the com-  
“ mittee are not to blame, because no alterations  
“ were previously called for by the clergy, and the  
“ deed having gone before parliament, it cannot  
“ possibly be revoked.

“ Mr. Hussey will be pleased to insist, if necessary, upon this principle, that what has been done, cannot be undone; and to explain, that the protestation was not intended to hurt religion, but to serve it; not to infringe the communion of English catholics with the holy apostolical see, but to render that communion less odious,—not to prejudice the character of the first pastor of the church, but to rescue it from obloquy and abuse.

“ If the oath is called for, Mr. Hussey will represent, that the catholics of the present times, are only responsible for the protestation, the oath of allegiance and adjuration having been unequivocally taken in 1778; and, of course, the deposing doctrine having been solemnly renounced and abjured, we could not hesitate to adopt the qualifying terms, especially as the Sorbonne in 1680, and again in 1695, had informed us that we might safely declare it impious and heretical.

“ If any scruple be raised about the act of settlement, and limiting the succession of the crown to the protestant line, Mr. Hussey will not permit that subject to be discussed; because we acknowledge no authority to interfere with the succession of our kings, but the law of the land; the authority of which law we have already solemnly acknowledged by our oath of allegiance.

“ Mr. Hussey will bear an honourable testimony to the character of Mr. Berington, and insinuate that any doubts about his character, must reflect on the secular clergy, who elected,—the regular



“ clergy, who expressed their satisfaction on hear-  
“ ing of that choice,—and on the nobility and  
“ gentry, who ardently desired that election to be  
“ confirmed.

“ Mr. Hussey will endeavour to pave the way  
“ for having bishops in ordinary elected by their  
“ clergy, on two grounds ; 1st, On account of the  
“ great utility of the change in the present circum-  
“ stances of the English catholics ; 2d, On the sup-  
“ position that the legislature may soon require  
“ that change to be made.”

The intended deputation of Dr. Hussey did not take place. He was chaplain to the Spanish embassy, and, in consequence of it, could not engage in the proposed journey without the leave of the ambassador ; and this leave, his excellency refused.

In addition to what the writer has said respecting Dr. Hussey's *designed mission* to Rome, he begs leave to observe, that no reason was ever given by that eminent prelate for declining it, than the refusal of the Spanish ambassador, whose chaplain he was, to permit him to undertake it. To the last, Dr. Hussey adhered to the principles of the committee : on the discussion for depositing the protestation at the Museum, he not only voted for the measure ; but, with his usual animation and eloquence, advocated and eulogized the conduct of the committee.

Dr. Hussey was also present at a meeting held in Castle-street, on the 21st of February 1799, at which the right rev. Dr. Charles Berington, the

rev. Mr. Brown, the rev. Mr. Strickland, the rev. Mr. Wilks, the rev. Mr. Barnard, (the vicar-general of Mr. Douglas), the rev. Dr. O'Leary, the rev. Mr. Meynel, the rev. Dr. Rigby, the rev. Dr. Belasyse, and the rev. Mr. Archer attended.—The five following questions, among others, were put by Dr. Berington:—" 1st. Did all persons present  
 " sign the protestation? 2d. Did all sign it as a  
 " civil test merely, without meaning to infringe on  
 " the pope's spiritual power, or the spiritual power  
 " of the church? 3d. Do any persons here present  
 " think themselves obliged in conscience to recede  
 " from it? 4th. Can the catholic clergy, gentry,  
 " &c. who have deliberately signed it, recede from  
 " it now, consistently with their characters as men  
 " of honour, and without bringing odium on religion.  
 " 5th. Whether any public receding from  
 " the protestation at present will not tend to confirm the stigmas and odious imputations with  
 " which the catholics have hitherto been aspersed."  
 All the persons present answered the first, second and fifth questions unanimously in the affirmative, and the third and fourth unanimously in the negative. The high respectability of all the clergymen present at this meeting is unquestionable.

## LXXXII. 8.

*The Act passed in 1791, for the Relief of the English Catholics.*

THE committee thus persisting in their refusal to take any active part in procuring an alteration of

the oath, it remained in the form in which it stood in the bill brought into the house of commons. It passed that house without a dissenting voice. After it reached the lords, the vicars-apostolic applied to several peers, to obtain the alteration in it which they had solicited, and succeeded in the application: the clause, which gave rise to the objection, was altogether omitted: thus altered, it was returned to the house of commons, and afterwards passed unanimously through both houses.

The oath is expressed in the following terms:

“ I, *A. B.* do hereby declare, that I do profess  
“ the roman-catholic religion.

“ I, *A. B.* do sincerely promise and swear, that  
“ I will be faithful and bear true allegiance to his  
“ majesty, king George the third; and him will  
“ defend to the utmost of my power, against all  
“ conspiracies and attempts whatever, that shall  
“ be made against his person, crown, or dignity;  
“ and I will do my utmost endeavour to disclose  
“ and make known to his majesty, his heirs, and  
“ successors, all treasons and traitorous conspira-  
“ cies which may be formed against him or them:  
“ and I do faithfully promise to maintain, support,  
“ and defend, to the utmost of my power, the  
“ succession of the crown; which succession by  
“ an act, intituled, *An Act for the further limi-*  
“ *tation of the crown, and better securing the rights*  
“ *and liberties of the subject*, is and stands limited  
“ to the princess Sophia, electress and duchess  
“ dowager of Hanover, and the heirs of her body,  
“ being protestants; hereby utterly renouncing and

“ abjuring any obedience or allegiance unto any  
“ other person claiming or pretending a right to  
“ the crown of these realms : and I do swear, that  
“ I do reject and detest, as an unchristian and impi-  
“ ous position, that it is lawful to murder or destroy  
“ any person or persons whatsoever, for or under  
“ pretence of their being heretics or infidels ; and  
“ also that unchristian and impious principle, that  
“ faith is not to be kept with heretics or infidels :  
“ and I further declare, that it is not an article of my  
“ faith, and that I do renounce, reject, and abjure  
“ the opinion, that princes excommunicated by the  
“ pope and council, or any authority of the see of  
“ Rome, or by any authority whatsoever, may be  
“ deposed or murdered by their subjects, or any  
“ person whatsoever : and I do promise that I will  
“ not hold, maintain, or abet any such opinion, or  
“ any other opinions contrary to what is expressed  
“ in this declaration : and I do declare, that I do  
“ not believe that the pope of Rome, or any other  
“ foreign prince, prelate, state, or potentate, hath  
“ or ought to have any temporal or civil jurisdic-  
“ tion, power, superiority, or pre-eminence, directly  
“ or indirectly, within this realm : and I do solemnly,  
“ in the presence of God, profess, testify, and de-  
“ clare, that I do make this declaration, and every  
“ part thereof, in the plain and ordinary sense of  
“ the words of this oath, without any evasion,  
“ equivocation, or mental reservation whatever ;  
“ and without any dispensation already granted by  
“ the pope, or any authority of the see of Rome,  
“ or any person whatever ; and without thinking

“ that I am, or can be, acquitted before God or  
 “ man, or absolved of this declaration, or any part  
 “ thereof, although the pope or any other person  
 “ or authority whatsoever, shall dispense with or  
 “ annul the same, or declare that it was null and  
 “ void.”

The act of the 31st of his late majesty, c. 32, may be divided into six parts:—The first contains the declaration and oath, afterwards referred to, in the body of the act, and prescribes the method of taking it:—The second is a repeal of the statutes of recusancy, in favour of persons taking the oath, prescribed by the act:—The third is a toleration, under certain regulations, of the religious worship of the roman-catholics, and of their schools for education:—The fourth enacts, that, in future, no one shall be summoned to take the oath of supremacy, prescribed by the 1st William and Mary, s. 1, c. 8, and 1st Geo. I. s. 2, c. 13, or the declaration against transubstantiation, required by the 25th Car. 2;—that the 1st William and Mary, s. 1, c. 9, for removing papists or reputed papists from the cities of London and Westminster, shall not extend to roman-catholics taking the appointed oath;—and that no peer of Great Britain or Ireland, taking that oath, shall be liable to be prosecuted for coming into his majesty's presence, or into the court or house, where his majesty resides, under the 30th Car. II. s. 2, c. 1:—The fifth part of the act repeals the laws requiring the deeds and wills of roman-catholics to be registered and enrolled:—The sixth dis-

penses persons acting as a counsellor at law, barrister, attorney, clerk, or notary, from taking the oath of supremacy, or the declaration against transubstantiation, for acting in those capacities.

The double land-tax, being imposed on catholics by the annual land-tax act, a repeal of it could not be effected by any prospective act, but it was repealed, by omitting from the annual land-tax act, the clause imposing it.

An alteration in the act, which was made in the house of lords, during its passage through that house, raised a doubt, whether to entitle a roman-catholic to the benefits of the act of the 18th of his late majesty, it was not necessary to take both the oath prescribed by that act, and the oath prescribed by the 31st of his late majesty. To obviate this doubt, the act of the 43d of his late majesty was passed : it entitles persons taking the oath prescribed by the act of the 31st of his late majesty, to all the benefits of the act of the 18th of his late majesty\*.

\* In the life of Mr. Pitt, recently published by Dr. Tomline, the bishop of Winchester, a short account is given of the passing of the act of 1791, mentioned in the text : it occasioned considerable surprise among the catholics, and produced from a secular clergyman of their communion, the following letter to his lordship :—

“ My lord,

“ In your lordship’s *Memoirs of the Life of Mr. Pitt*, vol. ii. p. 400, occurs the following passage :

“ ‘ A petition had been presented to the house of commons on the 7th of May 1789, by certain persons, calling themselves catholic dissenters ; implying by that title, that they did not believe all the tenets generally maintained by

When the bill was discussed in the house of lords, lord Thurlow objected to it some verbal

“ roman-catholics. The petitioners stated, that they and other  
 “ papists were subject to various penal laws, on account of  
 “ principles, which they were supposed to entertain, dangerous  
 “ to society, and totally repugnant to political and civil liberty;  
 “ and, therefore, they thought it due to their country and to  
 “ themselves publicly to disclaim and protest against the five  
 “ following doctrines :—1. That princes excommunicated by  
 “ the pope, or by any authority of the see of Rome, may be  
 “ deposed or murdered by their subjects or other persons.  
 “ 2. That implicit obedience is due to the orders and decrees  
 “ of popes and general councils, even if they require open  
 “ resistance to government, the subversion of the laws and  
 “ liberties of the country, and the extermination of all persons  
 “ not professing the roman-catholic religion. 3. That the  
 “ pope by his spiritual power can dispense with the obligation  
 “ of any compact on oath. 4. That not only the pope, but  
 “ even a priest, has power, at his will and pleasure, to pardon  
 “ sins, and consequently can absolve from the guilt of perjury,  
 “ rebellion, and high treason. 5. That faith is not to be kept  
 “ with heretics \*.”

“ ALLOW ME TO OBSERVE, my lord, that the account given  
 “ above, so far from being accurate, contains a gross mis-  
 “ representation; which, from respect to your lordship, I am  
 “ willing to believe is not a wilful one. It is true, that the  
 “ petitioners in 1789 styled themselves *Catholic Dissenters*.  
 “ It is equally true, that many catholics objected to the title  
 “ assumed by the petitioners; and for this reason: they con-  
 “ ceived the term *Dissenters* to be appropriate to those who  
 “ deserted the ANCIENT FAITH in the sixteenth century, not to  
 “ such as were inheritors of it in the present times. But no  
 “ thinking man, before your lordship, ever insinuated, that the  
 “ petitioners were dissenters from other catholics, in respect to  
 “ the doctrines against which they protested.

\* “ ‘These five doctrines are to be found in the decrees of councils, and  
 “ other authentic documents of the church of Rome, and have always been  
 “ considered as forming part of the faith of papists.’ ”

inaccuracies, but candidly observed that it had been so altered from its original form, that the

“ Neither did the petitioners insinuate, that the tenets which  
 “ they disclaimed were maintained by any other catholics  
 “ whomsoever. They knew, indeed, that such tenets had  
 “ been *imputed* to other catholics as well as to themselves :  
 “ but, as they were petitioning for themselves only, they con-  
 “ fined the disclaimer to themselves.

“ It is not, however, of these inaccuracies, but of the note  
 “ which follows them \*, that the catholics chiefly complain.  
 “ The statement in that note is not only erroneous in point of  
 “ fact, but is calculated to make on the public mind an impres-  
 “ sion most injurious to their interests, by representing them as  
 “ members of a church which inculcates, ‘ as part of its faith,’  
 “ doctrines subversive of civil allegiance and moral duty ; doc-  
 “ trines not to be tolerated by any government, nor in any  
 “ society. On what this representation may be grounded few  
 “ readers of the Memoirs will stay to inquire : they will adopt  
 “ it as true on the authority of the writer.

“ The catholics deny, that the five doctrines in question  
 “ ever formed part of their faith. They challenge your lord-  
 “ ship to prove your assertion: they call on you to produce,  
 “ if you can, ‘ the decrees of councils, and the authentic docu-  
 “ ments of the church of Rome in which they are to be found.’  
 “ If you cannot, they trust that you will have the courage to  
 “ come forward, and with the honesty of a man, and the cha-  
 “ rity of a christian, acknowledge that you have been misled.

“ Your lordship says, that ‘ these five doctrines have al-  
 “ ways been considered as forming part of the faith of papists :’  
 “ but by whom? By catholics? Most certainly not ; they  
 “ have always disclaimed them. By their adversaries? But  
 “ you must be aware, that little credit is due to adversaries,  
 “ especially when the passions of those adversaries have been  
 “ heated, and their judgments warped by theological contro-  
 “ versy.

“ But what is the meaning of the words ‘ have always been?’  
 “ They seem to imply, that the doctrines in question were  
 “ not only considered *formerly*, but are also considered *now*,

\* See the note in the preceding page.



framers of it would hardly know the bill again. This circumstance has been published more than once, with a view to discredit both the committee and the gentlemen, whom they employed to frame the bill: but, while lord Thurlow's charge of inaccuracy has been sedulously brought forward, his expression respecting the alterations which the bill underwent, after it had been finally settled by them, has been as sedulously concealed.

“ as making part of the catholic faith. Is it, however, possible, that so unfounded a notion can exist at the present day? Your lordship cannot be ignorant, that in 1788 the catholic universities of Louvain, Douay, Paris, Alcala, Valladolid, and Salamanca, when those learned bodies were consulted to satisfy Mr. Pitt, spurned the imputation as most foul, false, and calumnious. You cannot be ignorant, that, in 1791, Pius the sixth, in his letter to the roman-catholic archbishops of Ireland, not only condemned these doctrines, but declared that they had been imputed to the holy see merely for the purpose of calumniating it\*. You cannot be ignorant, that the British and Irish catholics seized the first opportunity which was offered them of disclaiming such doctrines upon oath. You cannot be ignorant, that that very oath had been prescribed by the legislature as satisfactory evidence of the religious principles of those who should take it. What better proof can be desired, or devised? The declaration of the chief bishop of the catholic church, the testimony of the catholic universities, the oaths of the catholics, both laity and clergy, of the united kingdom, and the authority of the legislature, all combine to show, that these five doctrines form no part of the catholic faith. Certainly the most obstinate prejudice must yield to evidence so general and conclusive.

“ I have the honour to be, &c.

“ London, June 12, 1821.

A CATHOLIC.”

\* “ See substance of Sir John Cox Hippisley's speech, May 18, 1810. App. p. lv.”

The bill, as it originally stood, was prepared by the writer of these pages ; it was then, on his own suggestion, and by the direction of the committee, laid before the late Mr. Hargrave, and perused, settled, and approved by him. In this form, it was taken to Mr. Mitford, and by his desire referred back to Mr. Hargrave, and was then revised and finally settled by him.

No reader, acquainted with the character of Mr. Mitford and Mr. Hargrave, for profound professional knowledge and extreme accuracy, will easily believe that a bill, thus settled and approved by them, contained any thing substantially objectionable. The objects which it embraces are numerous and complicated ; it has now been acted upon for thirty years, and the writer is not aware of a single question which has arisen either on its construction or its effect : this can be said of few modern acts of parliament of the same operose texture.

Justice to Mr. Mitford and Mr. Hargrave called for these observations.

#### LXXXII. 9.

##### *The Protestation deposited at the Museum.*

AT a general meeting of the roman-catholics, held on the 9th day of June 1791, at the Crown and Anchor Tavern in the Strand, it was resolved,

“ That, as the oath contained in the bill for the  
“ relief of English catholics, is not expressed in  
“ the words of the protestation, the English catho-  
“ lics take this occasion to repeat their adherence

“ to the protestation, as an explicit declaration of  
“ their civil and social principles, and direct the  
“ committee to use their endeavours to have it de-  
“ posited in the Museum, or some other proper  
“ place of public institution, that it may be pre-  
“ served there, as a lasting memorial of their poli-  
“ tical and moral integrity.”

In pursuance of this resolution, the secretary delivered the protestation into the hands of Dr. Morton, the secretary of the British Museum, on the 30th day of the following December.

On the last skin, the following memorandum was written, and it was signed by the secretary, with his name. Every word of it was most maturely considered by him, and he now sees nothing to subtract from it, to change in it, or to add to it.

“ The above-written solemn instrument of protestation was signed by the English catholics in  
“ the beginning of the year 1789.

“ As soon as the committee of the English  
“ catholics received it, they transmitted it to Mr.  
“ Walmesley, the honourable James Talbot, the  
“ honourable Thomas Talbot, and Mr. Matthew  
“ Gibson, the then four vicars-apostolic of the  
“ English mission. They all signed it:—The  
“ three first with their own hands,—the last by  
“ Mr. James Talbot, whom he authorized to sign  
“ it for him.

“ After this, it was circulated generally among  
“ all the clergy, and among all the catholic laity  
“ of any kind of consequence or respectability in

“ England, and not more than six or seven at the  
“ utmost, refused to sign it.

“ After Mr. Talbot had signed Mr. Gibson’s  
“ name to it, it was suggested to the committee,  
“ that the authority given by Mr. Gibson to Mr.  
“ Talbot to sign it, was upon condition, that he  
“ thought his signature necessary to the success of  
“ the bill then in agitation for the relief of the  
“ catholics.—The committee did not think his  
“ signature necessary, and doubted, therefore,  
“ whether they were warranted, under these cir-  
“ cumstances, in accepting his signature. They  
“ signified this to Mr. James Talbot, and by his  
“ direction and in his presence it was erased.

“ Mr. Walmesley and Mr. Robert Bannister  
“ signified to the committee, their wish to have  
“ their respective names erased, and one other  
“ clergyman is said to have intimated a like wish  
“ to one of his friends.

“ Thomas Weld, esq. of Lullworth Castle in the  
“ county of Dorset, desired it might be mentioned  
“ to the officer at the Museum, who should receive  
“ the protestation, that he wished his name to be  
“ withdrawn, as it was against his will, and with-  
“ out his consent, that it was brought to the  
“ Museum.

“ No other signature has been recalled. From  
“ the time it was signed to the present moment, it  
“ has been in my custody.

“ It was resolved, at their general meeting in last  
“ June, ‘ That, as the oath, contained in the bill

“ for the relief of English catholics, is not ex-  
 “ pressed in the words of the protestation, the  
 “ English catholics take this occasion to repeat  
 “ their adherence to the protestation, as an explicit  
 “ declaration of *their civil and social principles*, and  
 “ direct the committee to use their endeavours to  
 “ have it deposited in the Museum, or some other  
 “ proper place of public institution, that it may  
 “ be preserved there, as a lasting memorial of their  
 “ political and moral integrity.’

“ In consequence of this resolution, it is, this  
 “ 30th day of December 1791, delivered to Dr.  
 “ Morton, the secretary of the British Museum, by,  
 “ Charles Butler,—secretary to the catholic  
 “ committee.”

The instrument of protestation, deposited at the Museum, is the identical instrument, which was subscribed by the gentlemen, who attended the general meeting of the catholics at the Crown and Anchor in 1789\*.

\* Dr. Milner, having discovered some variations in an impression of the protestation from the instrument deposited at the Museum, has, in many of his publications, instead of blaming the inaccuracy of *this impression*, questioned the authenticity of the *original*; but, in the most considerable of his works †, he has expressed himself upon the subject with great candour in the following terms :—“ The question of its authenticity is unimportant; neither the committee, nor the cisalpine club, nor any other person, to my knowledge, is to blame in the affair.”

† Letters to a Prebendary, 4th edition, p. 455. 456.

## CHAP. LXXXIII.

THE BLUE BOOKS—THE MEDIATION—THE  
TERMINATION OF THE CONTROVERSY.

IN the course of the controversy, the committee thought themselves obliged, on several occasions, to address, sometimes the vicars-apostolic and sometimes the catholic public at large, in print.

The writer has mentioned the letter, which, with the express permission of bishop James Talbot, he addressed to the vicars-apostolic, on the subject of the protestation and the oath formed upon it.—This was never printed, and has been seen by few ; the writer has a copy of it ; and he will retain it for some time, for the inspection of those, who may wish to see it.—Being bound in red, it acquired the appellation of *The Red Book*.

## LXXXIII. 1.

*The Blue Books.*

THESE acquired that appellation from their having a blue cover.

The first contains a letter from the committee to the catholics of England, dated the 25th of November 1780 ;—and a letter from them, to the four apostolic-vicars, with the same date.

The second Blue Book contains two letters from the committee,—the first to Dr. Douglas, the second to Dr. Walmesley, Dr. Gibson, and Dr.

Douglas, the three vicars-apostolic who objected to the oath.

The third Blue Book contains a letter from the committee to the catholics of England, dated the 21st April 1792.

All were written with great care, and were most seriously and attentively perused by *all* the noblemen and gentlemen who signed them. Several replies to them were published.

The first and second Blue Books were published in 8vo. by Stockdale, in 1812. The writer has never heard, nor has he any guess who was the editor.

The committee gave particular directions that the Blue Books should not be circulated in Ireland or Scotland; and they were particularly careful to do nothing that should introduce the controversy between the prelates and them, or any thing which related to it, among the Irish or Scottish catholics.

#### LXXXIII. 2.

##### *The Mediation.*

To allay the heats which the protestation and the discussions on it had raised, three roman-catholic gentlemen of the highest respectability, the late Mr. Eyre of Warkworth, Mr. Webb Weston, and Mr. William Sheldon, undertook the amiable office of mediation between the prelates and the committee. They stated to the public the result of their exertions, in a publication, which,

having a buff covering, was known among the catholics by the name of *The Buff Book*.

They express themselves in it in the following words: “ In the course of this negotiation, we had  
“ an opportunity of seeing and laying before three  
“ of the vicars-apostolic, the *original bill* prepared  
“ by order of the late committee, and also the  
“ *second bill*, with the several alterations, and parti-  
“ cularly the variations in the oath, which had  
“ been the unfortunate cause of so much difference  
“ of opinion : *these were produced with such incon-*  
“ *trovertible evidence, that those alterations, and*  
“ *particularly the variations in the oath, were not*  
“ *framed or proposed by the gentlemen of the late*  
“ *committee, that we feel ourselves called on, both*  
“ *by candour and impartiality to declare, that we*  
“ *were perfectly convinced, that the vicars-apos-*  
“ *tolic appeared to us satisfied ; and that we really*  
“ *hope no doubts will any longer be entertained*  
“ *on that subject.*

“ Having heard that Mr. Butler of Lincoln’s-  
“ Inn, had it in contemplation to publish an his-  
“ torical account of the proceedings of the late  
“ committee, which we feared might revive ani-  
“ mosities, that we wished to be for ever extin-  
“ guished ; and being anxious to prevent any more  
“ publications on the subject of the late disagree-  
“ ment, we applied to him to be informed of his  
“ intentions on that head ; and, in consequence of  
“ our applications, have received from him assu-  
“ rances, ‘ that he had no such intention ; and  
“ that he entirely coincides with us in opinion,



“ that this, or any other publication that has the  
“ remotest relation to the controversies then hap-  
“ pily terminated, would be exceedingly improper.’  
“ We hope that every member of the catholic body  
“ will therefore be distinguished by the same pru-  
“ dent and peaceful forbearance.”

Thus, by the interference of these respectable mediators, and the gentlemanly and christian disposition of the parties principally engaged in the discussion, the contention was happily terminated : on each side the word of peace was spoken, and silence promised. The peace thus spoken, and the silence thus promised, have been observed inviolate, both by the committee, and their adherents, and by the three objecting prelates.

One observation only on the unpleasant controversy the writer begs leave to express :—It is a great error to suppose, that the contest respecting the lawfulness of the oath, turned either on the authority of the church, or the spiritual supremacy of the pope. These were fully and unequivocally acknowledged by the committee. This acknowledgment by them of the authority of the church, and of the spiritual supremacy of the pope, is not only admitted, but triumphantly insisted on by Dr. Milner, against Dr. Sturges, in the supplement to the invaluable letters addressed by the prelate to that gentleman\*. There Dr. Milner cites, with evident complacency, a passage in the speech of the late Dr. Horsley, when the catholic bill was in its passage through the house of lords,

\* Sixth edit. p. 452, 453, 454.

in which he says,—“ My lords, I must observe  
 “ that the gentlemen of the catholic committee,  
 “ and the party that act with them, who scruple  
 “ no part of the oath, (grounded on the protesta-  
 “ tion), declare that they equally, with the scrupu-  
 “ lous party, maintain the pope’s spiritual supre-  
 “ macy. They are shocked that the denial of it  
 “ should be imputed to them.”

Thus the controversy was but a dispute on words ; this was sufficiently unfortunate : but supposing the committee were wrong, still, in the view of the case, they were much less wrong than if it had been a dispute upon doctrine.

### LXXXIII. 3.

#### *The Termination of the Controversy.*

ON a dispassionate review of the circumstances, to which the protestation gave rise, the writer, with great deference to paramount authority, conceives it to be free from theological error,—that, as an explicit disclaimer of the doctrine of the pope’s deposing power, it is excellent ; and that, in spite of the counteractions opposed to its salutary operation, it has done, it does, and will ever do, great service to the catholic cause.

Judging from the events,—the writer wishes the bill of 1791, had been left *as it was framed by him*, without any oath and without any declaration :—on this supposition, we should have avoided all the unpleasant turmoil which ensued :—But this, the committee did not foresee. They supposed

that no religious objection to the oath would have been raised ; that it would have passed with the approbation both of the legislature and the public, and of the ecclesiastical and lay catholics. If the bill had passed in this form, the relief, which it granted, would, probably, have been more extensive than that, which we received in the event which happened.

As to the notion, that if the oath formed on the protestation had been adopted, we should have lost our venerable appellation of “ catholics,” and thenceforth been called “ protesting catholic dissenters,” the writer begs leave to say that it is altogether groundless : we should no more have lost the appellation of “ catholics,” in consequence of the *new law's* calling us “ protesting catholic dissenters,” than we lost the appellation of “ catholics,” in consequence of the *old law's* calling “ us papists.”

But the alarm was sounded, and jealousies were entertained. Then, with a wisdom, and a magnanimity, which cannot be too much applauded, the legislature, instead of availing themselves of these, as a pretence for withholding from us any relief, nobly came to our aid, composed our differences for us, and passed the wise and salutary act of 1791.

That, after these jealousies had arisen, the oath framed on the protestation was abandoned, and the present oath substituted in its stead, no one felt greater satisfaction than the writer. He hoped the torch of discord was extinguished for ever.

## CHAP. LXXXIV.

ACT PASSED FOR THE RELIEF OF THE IRISH CATHOLICS IN 1793,—LORD FITZWILLIAM'S APPOINTMENT TO THE LIEUTENANCY OF IRELAND, AND RECAL—REBELLION IN 1798, —PROSPECT OF EMANCIPATION HELD OUT TO THE CATHOLICS AT THE UNION.

AN excellent account of the act passed in 1793, for the relief of the roman-catholics of Ireland, of the principal circumstances connected with it, and of the subsequent events in the history of the Irish catholics, is given by sir Henry Parnel in the history which we have so often cited. It represents his own mind, completely accurate, completely informed, and completely honourable. From this work, principally, we shall present to our readers, I. Some account of the act of 1793: II. Of the appointment of earl Fitzwilliam to the lieutenancy of Ireland, and his recal: III. Of the rebellion in Ireland in 1798: and IV. Of the union between England and Ireland, so far as respects the prospect of emancipation then held out to the catholics.

## LXXXIV. 1.

*The Act passed for the Relief of the Irish Catholics  
in 1793.*

IN respect to this act, it is sufficient for the purpose of the present publication to observe, that,

speaking generally, it places the catholics on a level with their fellow-subjects in Ireland, except that they continue excluded from both houses of parliament, and from about 20,000 functions or offices of power and emolument\*. Thus between them and their fellow-subjects, a distinction, not so great as it was formerly, but still very strongly marked, and pressing very heavily upon them, is continued. It keeps them from falling into the general mass of the community, and renders them a separate cast; which it is an alleged principle of the constitution to behold with jealousy, and to keep, without regard to their feelings or their interest, in a state of political degradation and subserviency. Can this be just? Can that, which is unjust, be expedient?

To entitle them to the benefit of some of the provisions of this act, the catholics were required by it to take the following oath:—

“ I, A. B. do hereby declare, that I do profess  
“ the roman-catholic religion. I, A. B. do swear,  
“ that I do abjure, condemn and detest, as un-  
“ christian and impious, the principle that it is  
“ lawful to murder, destroy, or any ways injure  
“ any person whatsoever, for or under the pretence  
“ of being an heretic; and I do declare solemnly  
“ before God, that I believe that no act in itself  
“ unjust, immoral, or wicked, can ever be justified  
“ or excused by, or under pretence, or colour, that  
“ it was done either for the good of the church, or

\* Statement of the Penal Laws, p. 124.

“ in obedience to any ecclesiastical power what-  
“ soever. I also declare, that it is not an article  
“ of the catholic faith, neither am I thereby required  
“ to believe or profess, that the pope is infallible,  
“ or that I am bound to obey any order in its own  
“ nature immoral, though the pope or any eccle-  
“ siastical power should issue or direct such order;  
“ but, on the contrary, I hold, that it would be  
“ sinful in me to pay any respect or obedience  
“ thereto; I further declare, that I do not believe  
“ that any sin whatsoever committed by me can be  
“ forgiven at the mere will of any pope, or any  
“ priest, or of any person whatsoever; but that  
“ sincere sorrow for past sins, a firm and sincere  
“ resolution to avoid future guilt, and to atone to  
“ God, are previous and indispensable requisites  
“ to establish a well-founded expectation of for-  
“ giveness; and that any person who receives  
“ absolution without these previous requisites, so  
“ far from obtaining thereby any remission of his  
“ sins, incurs the additional guilt of violating a  
“ sacrament; and I do swear, that I will defend  
“ to the utmost of my power, the settlement and  
“ arrangement of property in this country, as estab-  
“ lished by the laws now in being; I do hereby  
“ disclaim, disavow, and solemnly abjure any in-  
“ tention to subvert the present church establish-  
“ ment, for the purpose of substituting a catholic  
“ establishment in its stead; and I do solemnly  
“ swear, that I will not exercise any privilege, to  
“ which I am or may become entitled, to disturb

“ and weaken the protestant religion and protestant  
 “ government in this kingdom.

“ So help me God.”

## LXXXIV. 2.

*Earl Fitzwilliam's Appointment to the Lieutenancy of  
 Ireland, and Recal.*

IN the summer of the year 1794, the memorable coalition took place between Mr. Pitt and the Rockingham party. The terms of it, in respect to Ireland, are stated explicitly in the celebrated letter of lord Fitzwilliam to lord Carlisle, and this statement has never been contradicted. “ When  
 “ the duke of Portland, and his friends,” says his lordship in this letter, “ were to be entered into a  
 “ coalition with Mr. Pitt's administration, it was  
 “ necessary to hold out such allures as would make  
 “ the coalition palatable, or even possible for them  
 “ to accede to. If the general management and  
 “ superintendence of Ireland had not been offered  
 “ to his grace, that coalition would never have  
 “ taken place: the sentiments he had entertained,  
 “ and the language he had held so publicly for  
 “ years back on the subject, rendered a superin-  
 “ tendence of Irish affairs a point that could not  
 “ be dispensed with by him. It was become of  
 “ absolute necessity that it should be transferred  
 “ to his management; and accordingly it was  
 “ offered from the beginning of the negotiation,  
 “ as was also the home department of secretary  
 “ of state. Ask the duke of Portland, when he

“accepted the management of Ireland, if he did it  
“under any restrictions whatever?”

Thus it was, at the solicitation of the duke of Portland, that lord Fitzwilliam accepted the office of lord lieutenant:—“From the beginning, as well  
“as through the whole progress of the business,  
“I acted,” says his lordship in the letter which we have just cited, “in perfect conformity with  
“the original outline settled between me and his  
“majesty’s ministry, previously to my departure  
“from London. From a full consideration of the  
“real merits of the case, as well as from every in-  
“formation I had been able to collect of the state  
“and temper of Ireland, from the year 1790, I was  
“decidedly of opinion, that not only sound policy  
“but justice required, on the part of Great Britain,  
“that the work which was left imperfect at that  
“period ought to be completed, and the catholics  
“relieved from every disability. In this opinion  
“the duke of Portland uniformly concurred with  
“me; and when the question came under discus-  
“sion, previous to my departure from Ireland,  
“I found the cabinet, with Mr. Pitt at their head,  
“strongly impressed with the same conviction.  
“Had I found it otherwise, I never would have  
“undertaken the government. I at first proposed  
“that the additional indulgences should be offered  
“from the throne; the very best effect would be  
“secured by this act of unsolicited graciousness;  
“and the embarrassing consequences, which it  
“was natural to foresee must result from the mea-  
“sures being left open for any volunteer to bring



“ forward, would be timely and happily avoided.  
 “ But to this proposal objections were started, that  
 “ appeared of sufficient weight to induce the adop-  
 “ tion of another plan. I consented not to bring  
 “ the question forward on the part of government,  
 “ but rather to keep it back until a period of more  
 “ general tranquillity, when so many material ob-  
 “ jects might not press upon the government; but  
 “ as the principle was agreed on, and the necessity  
 “ of its being brought into full effect was univer-  
 “ sally allowed, it was at the same time resolved,  
 “ that, if the catholics should appear determined  
 “ to stir the business, and bring it before parlia-  
 “ ment, I was to give it a handsome support on  
 “ the part of government.”

On the 2d of January 1785, lord Fitzwilliam<sup>9</sup> landed in Dublin, and found that a determination to bring forward the business of their emancipation had been taken by the catholics. Seeing, therefore, that the question would immediately force itself upon the notice of parliament, his lordship, on the third day after his arrival in Ireland, intimated, by letter to the British government, “ that  
 “ not to grant cheerfully on their part, all the  
 “ catholics wished for, would not only be exceed-  
 “ ingly impolitic, but perhaps dangerous; that,  
 “ in doing this, no time was to be lost; that the  
 “ business would presently be at hand; and, that  
 “ if he received no very peremptory directions to  
 “ the contrary, he would acquiesce to the wishes  
 “ of the catholics.”

Parliament met on the 22d day of January, and

on the 12th of February, “no peremptory directions to the contrary having arrived,” though more than a month had elapsed after lord Fitzwilliam had apprised government of his intentions, Mr. Grattan, with the consent of lord Fitzwilliam, moved for leave to bring in a bill for the further relief of the catholics.

On the 7th of the following February, the measure was discussed in the cabinet. On the next day, the duke of Portland wrote to his lordship, to “caution him against committing himself by engagement, or even by encouraging language, to give any countenance to the immediate adoption of the measure.” His lordship, having refused to co-operate in the tergiversating measure thus recommended, was immediately recalled. He was succeeded by lord Camden, and told by lord Westmoreland in the house of lords, that “no authority had been given him by ministers in this country for taking the steps he had done on the catholic question.” To this assertion of lord Westmoreland, lord Fitzwilliam gave a peremptory denial; and to this denial no reply was given.

#### LXXXIV. 3.

#### *Rebellion in 1798.*

A SUCCINCT mention of a few undisputed facts will completely vindicate the body of Irish catholics from the charge of participating in this atrocious crime.

1. It originated in the societies of united Irishmen, and all these were protestants\*.

2. In 1796, great numbers in the province of Ulster enrolled themselves in this society: this province is almost entirely protestant; they were joined by few catholics, except some of the lowest order in Dublin, and the counties of Westmeath and Kildare.

3. "In May 1797, 100,000 protestants," says Sir Henry Parnel, "were completely organized for open rebellion."

4. The catholic provinces of Munster and Connaught, which had resisted with eminent loyalty the attempt of Hôche, in December 1796, generally preserved their integrity, till some emissaries from the north seduced numbers from their allegiance.

5. Among the men of influence and property, who were engaged in the rebellion, three catholics cannot be mentioned.

6. Of the five men, who composed the directory of the united Irish, one only was a catholic.

7. Of the twenty-four leaders of the rebellion in 1798, who were banished to Fort St. George, twelve were protestants of the church of England, eight were protestant dissenters, and four only were catholics.

8. Catholic emancipation was neither the object of the united Irishmen, nor the object of the rebellion in 1798: a total separation from England was the object of both.

\* Sir Henry Parnel's History, p. 145.

9. Truly then did Mr. Pitt, in the house of commons, in the debate on the catholic petition, in the year 1796\*, say, “I do not consider the  
“late rebellion in Ireland to have been a catholic  
“rebellion.”

This, to apply to it an expression of Mr. Burke, in his *Speech to the Electors of Bristol*, was “nobly  
“frowning a wicked opinion out of doors.”

#### LXXXIV. 4.

*Prospect of Emancipation held out to the Irish Catholics  
at the time of the Union.*

THAT a prospect of emancipation was held out to the Irish catholics, to induce them to support the measure of the union, seems to be undeniable.

1. When Mr. Pitt proposed the articles of union to the house of commons, he thus expressed himself,—“No man can say that, in the present state  
“of things, *and while Ireland remains a separate*  
“*kingdom*, full concessions can be made to the  
“catholics, without endangering the state, and  
“shaking the constitution to the centre.” Is not this saying, that *after* the union should have taken place, full concessions to Ireland might be made without danger? Would not the catholics necessarily understand that these concessions would then be made?

2. Such was the language of the minister who proposed the union.—What is the language of the act of the union?—“That every one of the lords

\* Debates, published by Cuthell and Martin, p. 126.

“ and commons of the parliament of the united  
 “ kingdom, and every member of the united king-  
 “ dom, in the first and every succeeding parliament  
 “ shall, *until the parliament of the united kingdom*  
 “ *otherwise provide*, take the oaths now provided to  
 “ be taken.”—Is not this an explicit intimation that  
 a change of oaths, *after the union*, in favour of the  
 catholics, was then contemplated ; that a sure and  
 certain hope of it was held out to them ?

3. How did Mr. Pitt himself understand the terms of the concessions ?—Let this be answered in his own words. When he explained the cause and motives of his memorable resignation, he thus expressed himself :—“ I and some of my colleagues  
 “ in office, did feel it an incumbent duty upon us to  
 “ propose a measure on the part of the government,  
 “ which, under the circumstances of the union, so  
 “ happily effected between the two countries, we  
 “ thought of great public importance, and neces-  
 “ sary to complete the benefits likely to result from  
 “ the measure. We felt this opinion so strongly,  
 “ that, when we met with circumstances, which  
 “ rendered it impossible for us to propose it as a  
 “ measure of government, we felt it equally incon-  
 “ sistent with our duty and our honour any longer  
 “ to remain a part of government. *What may be*  
 “ *the opinion of others I know not ; but I beg to have*  
 “ *it understood to be a measure, which, if I had re-*  
 “ *mained in government, I must have proposed.*”

Does not Mr. Pitt unequivocally avow in these words, that he was bound in honour to propose the emancipation of the catholics.

4. We shall now present our readers with the written communications, which, at the time of which we are now speaking, were made by Mr. Pitt and lord Cornwallis, and officially delivered by lord Castlereagh,—now the earl of Londonderry,—to Dr. Troy, the catholic archbishop in Dublin.

“ Mr. Pitt to lord Cornwallis.

“ *The leading part of his majesty's ministers find-*  
“ *ing insurmountable obstacles to the bringing for-*  
“ *ward measures of concession to the catholic body,*  
“ *whilst in office, have felt it impossible to continue*  
“ *in administration under the inability to propose it*  
“ *with the circumstances necessary to carrying the*  
“ *measure with all its advantages:* and they have  
“ retired from his majesty's service, considering  
“ this line of conduct as most likely to contribute  
“ to its ultimate success. The catholic body will,  
“ therefore, see how much their future hopes must  
“ depend upon strengthening their cause by good  
“ conduct in the mean time; they will prudently  
“ consider their prospects as arising from the per-  
“ sons who now espouse their interests, and com-  
“ pare them with those which they could look to  
“ from any other quarter; *they may with confidence*  
“ *rely on the zealous support of all those who retire,*  
“ *and of many who remain in office, when it can be*  
“ *given with a prospect of success.* They may be  
“ assured that Mr. Pitt will do his utmost to esta-  
“ blish their cause in the public favour, and pre-  
“ pare the way for their finally attaining their  
“ objects: and the catholics will feel, that as Mr.  
“ Pitt could not concur in an hopeless attempt to

“ force it now, that he must at all times repress,  
“ with the same decision as if he held an adverse  
“ opinion, any unconstitutional conduct in the  
“ catholic body.

“ Under these circumstances, it cannot be doubted  
“ that the catholics will take the most loyal, duti-  
“ ful, and patient line of conduct; that they will  
“ not suffer themselves to be led into measures  
“ which can, by any construction, give a handle  
“ to the opposers of their wishes, either to misin-  
“ terpret their principles, or to raise an argument  
“ for resisting their claims; but that by their pru-  
“ dent and exemplary demeanour, they will afford  
“ additional grounds to the growing number of  
“ their advocates to enforce their claims on proper  
“ occasions, until their objects can be finally and  
“ advantageously attained.”

5. “ The sentiments of a sincere friend, (i. e.  
“ *Marquis Cornwallis*), to the catholic  
“ claims.

“ If the catholics should now proceed to violence,  
“ or entertain any ideas of gaining their object by  
“ convulsive measures, or forming associations with  
“ men of jacobinical principles, they must of course  
“ lose the support and aid of those who have  
“ sacrificed their own situations in their cause, but  
“ who would at the same time feel it to be their  
“ indispensable duty to oppose every thing tending  
“ to confusion.

“ On the other hand, should the catholics be  
“ sensible of the benefit they possess, by having so  
“ *many characters of eminence pledged not to embark*

*“ in the service of government, except on the terms  
“ of the catholic privileges being obtained, it is to be  
“ hoped, that, on balancing the advantages and  
“ disadvantages of their situation, they would pre-  
“ fer a quiet and peaceable demeanour to any line  
“ of conduct of an opposite description.”*

6. In the debate in the house of commons on the petition of the Irish catholics, on Wednesday the 25th of May 1808, Mr. Elliot thus expressed himself:—

*“ I do not rise for the purpose of entering into  
“ any discussion on the general topic; but, in  
“ consequence of what has fallen from my noble  
“ friend opposite, (lord Castlereagh), merely to  
“ advert to the circumstance of the union, of which  
“ I may be supposed to have some official know-  
“ ledge; and the nature of the expectation held out  
“ to the catholics, in order to conciliate their acqui-  
“ escence in that measure. My noble friend has  
“ said that no pledge was given to the catholics,  
“ that their full emancipation was to be the imme-  
“ diate consequence of this measure, in considera-  
“ tion of their support. It is true, indeed, that no  
“ bond was given to the catholics on that point;  
“ but there were certainly expectations, and some-  
“ thing like promises held out to them, which, in my  
“ mind, ought to be more binding than a bond. And  
“ so strongly was this idea felt by my noble friend,  
“ and my right honourable friend (Mr. Canning),  
“ and by a right honourable gentleman now no  
“ more (Mr. Pitt), that they quitted office because  
“ they could not carry the measure; and when,*



“ upon Mr. Pitt’s return to office, he opposed the  
“ going into the committee, it was not from any  
“ objection to the measure, but to the time.”

7. Finally, lord Castlereagh in his admirable speech on the motion made by Mr. Grattan, in the year 1819, a large extract from which we shall soon have the pleasure of presenting to our readers, notices “ the political incorporation of catholics and  
“ protestants, which; upon certain principles, was  
“ in contemplation by Mr. Pitt, and those who  
“ acted with him at the time of the union\*.”

We shall not add a single remark : we trust the conclusion, wholly to our readers.

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Such then, as it appears from our preceding pages, is the situation of the Irish catholics. It is little understood : no publication describes it so well as “ *The Statement of the Penal Laws, which*  
“ *aggrieve the Catholics of Ireland.*”

That things should remain long in this state is impossible. “ In numbers,” says the intelligent writer of *The Statement*, “ the Irish catholics have  
“ prodigiously increased ; and they are continually  
“ increasing, beyond example in any other coun-  
“ try. Already, they compose the far greater part  
“ of the trading and manufacturing interests. The  
“ agricultural class, so powerful and influential  
“ throughout Ireland, the land-holders, farmers,  
“ peasantry, are almost universally catholics. They  
“ occupy the most valuable positions, whether for  
“ commercial or for military purposes ; the boldest

\* Post, c. lxxxvi. 1. p. 112.

“ coasts, most navigable rivers, and most tenable  
“ passes ; the most fertile districts, the richest sup-  
“ plies of forage, the readiest means of attack or de-  
“ fence.—Numerically, the catholics constitute full  
“ five sixths of the Irish population ; and, compared  
“ with the members of the established church, they  
“ are in the proportion of at least ten to one. In  
“ every city, town, or village, their numbers more or  
“ less preponderate. The open country is in almost  
“ their exclusive occupation. The gross popula-  
“ tion of Ireland, at this day, is moderately esti-  
“ mated, by the most competent judges, at five  
“ millions of inhabitants. Of this number, we  
“ may, without exaggeration, state the catholics  
“ as amounting to four millions two hundred thou-  
“ sand ; that is,—equal to one half of the united  
“ population of England and Wales.” Imposing  
as is this view of the strength of the Irish catho-  
lics,—a strength too that hourly increases,—their  
attachment to their religion adds to its power. This  
attachment is unparalleled in history:—In every  
circumstance of life, the religion of an Irish catholic  
is the nearest and dearest affection of his heart ;  
in the midst of the oppression which surrounds  
him, it elevates him, in his own feelings, far above  
his oppressors.

## CHAP. LXXXV.

HISTORICAL MINUTES RESPECTING THE SCOTTISH  
CATHOLICS SINCE THE REFORMATION.

IT was also the wish of the writer of these pages, to present his readers with a short historical account of the Scottish catholics since the reformation; but his endeavours to procure materials for it have absolutely failed\*. Greatly is it to be wished that some gentleman, possessed of necessary talents and leisure, would give his attention

\* The antient glories of the illustrious kingdom have been celebrated by Buchanan, in verses of uncommon splendor and energy, in the epithalamium which he composed on the marriage of Francis the second of France, with the unfortunate Mary of Scotland.

- “ *Illa pharetratis est propria gloria SCOTIS,*  
 “ *Cingere venatu saltus, superare natando*  
 “ *Flumina, ferre famem, contemnere frigora et æstus;*  
 “ *Nec fossâ et muris patriam, sed Marte tueri,*  
 “ *Et spretâ incolumem vitâ defendere famam:*  
 “ *Polliciti servare fidem, sanctumque vereri*  
 “ *Numen amicitiae; mores non munus amare.*  
 “ *Artibus his, totum fremerent cum bella per orbem,*  
 “ *Nullaque non tellus leges mutaret avitas*  
 “ *Externo subjecta iugo;—gens una vetustis*  
 “ *Sedibus antiquis sub libertate resedit.*  
 “ *Substitit hîc Gothi furor, hîc gravis impetus hæsit*  
 “ *Saxonis, hîc Cimber, superato Saxone, et acri*  
 “ *Perdomito Neuster Cimbro:—Si volvere priscos*  
 “ *Non piget annales,—hîc et victoria fixit*  
 “ *Præcipitem Romana gradum:—quem non gravis auster*  
 “ *Reppulit, incultis non squallens Parthia campis,*  
 “ *Non æstu Meroë, non frigore Rhenus et Albis*  
 “ *Tardavit,—Latium remorata est Scotia currum.”*

to such a work. It can only be accomplished by an examination of the different repositories of the ecclesiastical establishments of Scottish catholics in foreign countries. Such a work, produced by an able writer, having competent materials, would bring to light a mass of information at once new and instructive.—That the present work may not be altogether destitute of an article,—(we are fully sensible how meagre it will be),—on a topic, so nearly connected with the immediate subject of these historical memoirs, we shall present our readers, I. With the summary accounts given by Mr. Keith, in his History of the Church and State of Scotland, and by Dr. Maclaine, the translator of Mosheim's Ecclesiastical History\*, of the introduction of Calvinism into Scotland, and of the subsequent variations of the religious discipline of the church of that kingdom :—II. With some minutes, respecting the condition of the Scottish catholics since the reformation ;—chiefly compiled from the *Mémoires pour servir à l'histoire ecclesiastique pendant le xviii<sup>e</sup> Siècle* :—III. With some account of the riots in Scotland in 1780 :—IV. With some account of the act passed for the relief of the Scottish catholics in 1793 :—V. And with some observations on the oath contained in that act.

\* Vol. iv. p. 381, note k.

## LXXXV. 1.

*Mr. Keith and Dr. Maclaine's summary Accounts of the Introduction of Calvinism into Scotland.*

MR. KEITH, in the history, which we have mentioned \*, thus expresses himself:—

“Tis true, a supine negligence had possessed  
“the clergy, and egregious abuses had crept into  
“the church: nothing indeed was more wanted  
“than a reformation in both; yet our religion tells  
“us, and the practice of our Saviour and his apos-  
“tles fully manifests unto us, evil is not to be  
“done that good may come of it. Horman, bishop  
“of Cologne, made a pious and christian attempt  
“for recovering the primitive and apostolic insti-  
“tutions, and purging from error and superstition  
“the house of God; for which he was deprived of  
“his spiritual authority by the pope, and of his  
“temporal possessions by the emperor; yet the  
“method he took was highly religious and com-  
“mendable. Nay, Henry the eighth of England,  
“in the reformation begun by him, (if he can be  
“said to have made any reformation, further than  
“from the assumed absolute authority of the bishop  
“of Rome), though few suppose his motives either  
“holy or just, yet, in so far as his legal supremacy  
“was interposed, and his management authorised  
“by the laws of the land, and followed forth by  
“his son and successor king Edward, and after-

\* A valuable work: the narrative is perspicuous, and it abounds in judicious observation.

“wards by his daughter queen Elizabeth; the  
“affair of religion was managed in that kingdom  
“on a legal foundation, and to much a better pur-  
“pose than here in Scotland, where all was car-  
“ried on from a principle of covetousness in some  
“great ones, and where popular fury was egged  
“forward by hot-headed zealots, who thought  
“there could be no reformation without pulling  
“up some good, and all indifferent things, together  
“with the bad; and so totally defaced the eccle-  
“siastical polity, and trampled under foot all  
“civil authority, that the wounds given to the one  
“and the other, at that time, are rather a scandal  
“than an ornament both to our reformation and  
“its authors. Nor ought any to be traduced and  
“censured, as enemies to a reformation, merely  
“because they cannot approve of the false steps  
“so taken to bring it about: for had the earl of  
“Arran, during his regency, stood firm to the new  
“doctrines, and brought matters regularly before  
“the parliament, it might have been hoped that  
“several of the bishops would have concurred in  
“a reformation of such things as were most blame-  
“able; by which means we might have enjoyed  
“a true christian ministry, and the service of God  
“might have been performed with that decency  
“and beauty, which the nature of it requireth.  
“But when the bishops saw things carried on by  
“open rebellion and mobbing, when they saw such  
“universal rapine and levelling, and when nothing  
“would please but a renunciation of their own  
“sacred orders, and a truckling under some of the

“ meanest mechanics, to be either received or not  
“ received as ministers of the church of Christ,  
“ according as they should think proper; what  
“ wonder is it that such a reformation looked  
“ formidable and detestable unto them, and in very  
“ deed no better than an utter overturning of all  
“ that was sacred !”

We shall now transcribe Dr. Maclaine’s account of the event, which has been mentioned.

“ The indignation of the people, which had  
“ been excited by the vices of the clergy, was soon  
“ transferred to their persons, and settled at last,  
“ by a transition not unusual, upon the offices they  
“ enjoyed; and thus, the effects of the reformation  
“ extended not only to the doctrine, but also to  
“ the government of the popish church. But in  
“ Germany, England, and the northern kingdoms,  
“ its operations were checked by the power and  
“ policy of their princes, and the episcopal hierarchy, (which appears to be the most conformable to the practice of the church, since christianity became the established religion of the Roman empire), was still continued, in these countries, under certain limitations. The ecclesiastical government was copied after the civil; and the dioceses and jurisdiction of patriarchs, archbishops, and bishops, corresponded with the division and constitution of the empire. In Switzerland and the Low Countries, the nature and spirit of a republican policy gave fuller scope to the reformers; and thus, all pre-eminence of order in the church was destroyed,

“ and that form of ecclesiastical government esta-  
“ blished, which has been since called Presbyte-  
“ rian. The situation of the primitive church,  
“ (oppressed by continual persecutions, and obliged  
“ by their sufferings to be contented with a form  
“ of government extremely simple, and with a  
“ parity of rank for want of ambition to propose,  
“ or power to support, a subordination), suggested,  
“ without doubt, the idea of this latter system ;  
“ though it would be unfair to allege this consi-  
“ deration, as a victorious argument in favour of  
“ presbyterianism ; because a change of circum-  
“ stances will sometimes justify a change in the  
“ methods and plans of government. Be that as  
“ it may, the church of Geneva, which received the  
“ decisions of Calvin with an amazing docility,  
“ restored *this presbyterian, or republican form of*  
“ *ecclesiastical policy* ; Knox studied, admired, and  
“ recommended it to his countrymen, and he was  
“ seconded by many of the Scottish nobles, of  
“ whom some hated the persons, while others co-  
“ veted the wealth, of the dignified clergy. But,  
“ in introducing this system, the Scottish reformer  
“ did not deem it expedient to depart altogether  
“ from the antient form ; but, instead of bishops,  
“ proposed the establishment of ten superintend-  
“ ents, to inspect the life and doctrine of the other  
“ clergy, to preside in the inferior judicatories of  
“ the church, without pretending to claim either a  
“ seat in parliament, or the revenues and dignity  
“ of the former bishops. This proposal was drawn  
“ up and presented to a convention of estates,



“ which was held in the year 1561; and what it  
 “ contained, in relation to ecclesiastical jurisdic-  
 “ tion and discipline, would have easily obtained  
 “ the sanction of that assembly, had not a design  
 “ to recover the patrimony of the church, in order  
 “ to apply it to the advancement of religion and  
 “ learning, been insinuated in it. After this, at  
 “ certain periods, the name of bishops was revived,  
 “ but without the prerogatives, jurisdiction, or re-  
 “ venues, that were formerly appropriated to that  
 “ order. They were made subject to the general  
 “ assemblies of the clergy, and their power was di-  
 “ minished from day to day, until their name, as  
 “ well as their order, was abolished, at the revolu-  
 “ tion in 1688, and presbyterianism established in  
 “ Scotland by the laws of the state. See Robertson’s  
 “ History of Scotland, *passim*.”

## LXXXV. 2.

*The Condition of the Scottish Catholics subsequent to the Reformation.*

“ A CONSIDERABLE number of catholics,” says  
 the author of the memoirs we have mentioned,  
 (*Introduction*, clxxxviii.), “ continued to adhere  
 “ to the old religion, and the number of these  
 “ would have been greater, but for the want of  
 “ priests and of catholic schools\*. These two cir-

\* Some curious particulars respecting the situation of the  
 Scottish catholics, during the early period of the reformation,  
 are mentioned by father Juvençl, *Hist. Soc. Jesu.* l. xiii. s. 98.  
 p. 197.

Mr. Boswell, of Auchinleck, printed in 1812, for private

“ cumstances contributed greatly to the success of  
 “ the reformers in the sixteenth century. The holy  
 “ see, from time to time, sent Irish Franciscan  
 “ friars to Scotland. But the greater part were  
 “ driven from it by the inclemency of the climate,  
 “ particularly in the northern parts of the island,  
 “ where the cold makes life a burthen, so that they  
 “ remained a short time only, in the mission. Mr.  
 “ White, a pious and zealous missionary, was  
 “ more constant. Aided by the charity of lord  
 “ Macdonald, he caused the faith to revive in the  
 “ mountains of Scotland, and restored to it, almost  
 “ without difficulty, some families, which the mis-  
 “ fortune of the times had alienated from religion.  
 “ The end of the usurpation and the first part of  
 “ the reign of Charles the second, formed the pe-  
 “ riod of his truly apostolical labours. About this  
 “ period, some attempts were made to establish  
 “ schools for the education of persons designed for  
 “ the catholic priesthood, and to preserve, at the  
 “ same time, the children of catholic parents from

circulation among his friends, two very interesting tracts, which  
 had become extremely scarce;—one, “ Ane Oratioune set  
 “ furthe be Maister Quintin Kennedy, Commendatour of Cors-  
 “ raguell, ye Zeir of Gode, 1561;”—and the other, “ A Coppie  
 “ of the Ressoning which was betuix the Abbot of Crosraguel  
 “ and John Knox, in Mayhoill, &c. 1563.”—To the former,  
 he has prefixed an advertisement, expressed with great li-  
 berality. “ Had not headlong zealots,” says Mr. Boswell,  
 “ identified religion with architecture,—gothic arches and  
 “ fretted aisles with the mass and idolatry,—then had nocht  
 “ the antiquities and monumentis of this realme, been schaim-  
 “ fully destroyet.”

“ the seduction of protestant schools. But it was  
“ with difficulty, that these establishments were  
“ kept on foot, amidst the troubles in which the  
“ catholics were involved.

“ The revolution of 1688 was attended with  
“ consequences as unfavourable to this country, as  
“ to England; and the attachment of a great  
“ number of Scots to the Stuarts, their antient  
“ sovereigns, was used as a pretence for long vexa-  
“ tions. The Scottish protestants showed them-  
“ selves jacobites as much as the Scottish catholics;  
“ and the former, equally with the latter, showed  
“ a disposition to avail themselves of every occa-  
“ sion, which presented itself, of maintaining their  
“ lawful sovereign. Both were carefully repressed.  
“ The English government ceased to protect the  
“ episcopalians, and the presbyterians obtained the  
“ ascendancy in Scotland. These exhibited no  
“ greater toleration towards the catholics than had  
“ been done by the presbyterians. Political pre-  
“ judices mingled themselves with religious pre-  
“ judices; and the catholics were persecuted both  
“ as partizans of the Stuarts, and as adherents to  
“ the proscribed religion. Several priests were  
“ kept in prison during many years; at the end  
“ of which, they were banished. Troops of soldiers  
“ went into the highlands, and ravaged the lands  
“ of the catholics; a captain of the name of Por-  
“ ringer rendered himself famous in the west, by  
“ his devastations and cruelties. About the same  
“ time, the parliament of Scotland ordered, that  
“ children, not becoming protestants, should not

“ succeed to the estates of their parents; a measure  
“ well calculated to raise unlawful desires of pro-  
“ perty, and to smother attachment to the antient  
“ religion.

“ Still, the true faith sustained itself in the midst  
“ of these efforts to repress it. George Panton,  
“ educated in the college of Paris, established, in  
“ the mountains, a catholic school, and an applica-  
“ tion for a prelate was made to the holy see.  
“ The pope granted the request; and, in 1694\*,  
“ Thomas Nicholson, titular bishop of Peristachium,  
“ was sent, as vicar-apostolic, into Scotland, and  
“ reached it in secrecy. He found twenty-five mis-  
“ sionaries, and, by degrees, increased their num-  
“ ber. In the very year of his arrival, he visited  
“ the parts of the highlands, in which the catholics  
“ were most numerous. In each of the four years  
“ following, he visited other parts of his vicariat.  
“ His activity and zeal produced much fruit in a  
“ country, which, during almost one hundred  
“ years, had not seen a bishop. He drew up cer-  
“ tain regulations, which were agreed to at a  
“ meeting of the Scottish missionaries, and were  
“ afterwards confirmed at Rome. We have under  
“ our eyes, a relation of the visitation, which he  
“ made in 1700, in the highlands and the western  
“ isles. In a journey of more than four hundred  
“ miles in mountains, both rough and dangerous,

\* The late bishop Hay, in a manuscript communication, published in the *Catholic Gentleman's Magazine* for December 1818, says, “ that Mr. Nicholson was sent into Scotland, in  
“ 1695.”

“ he confirmed a great number of persons, informed  
“ himself of the wants of the people, removed  
“ abuses, announced to the poor catholics the word  
“ of God, and exhorted them to constancy in their  
“ faith. From his relation, it appears that the  
“ number of catholics in these parts, was, at this  
“ time, considerable. Many islands were peopled  
“ entirely with catholics, and, at one place, the  
“ apostolic vicar confirmed more than seven hun-  
“ dred persons. He found these good moun-  
“ taineers, regular in the observance of moral duty,  
“ respectful towards the clergy, and punctual ob-  
“ servers of the laws of the church. Some catholics  
“ in these mountains had, not many years before,  
“ been put to death by the cruel Porringer, for  
“ refusing to renounce their religion. Mr. Nichol-  
“ son encouraged the priests, and nominated two  
“ sub-vicars, Mr. Munro and Mr. Morgan, antient  
“ missionaries, whose experience and services ren-  
“ dered them worthy of this confidence. He em-  
“ powered them to make visitations of his diocese,  
“ desiring them to inform him of the condition of  
“ things. He himself visited the school of Ara-  
“ saick, upon which he built his hopes, and which  
“ served as a kind of preparatory school for the  
“ children intended to be sent to the Scottish  
“ school at Paris.—This school was the principal  
“ resource for the education of priests designed  
“ for the Scottish mission. Besides this college,  
“ there was one at Rome, one at Ratisbon; and  
“ the Scottish Benedictines had three catholic  
“ establishments in Germany.”

In a subsequent part of this work, (vol. ii. p. 199), —the same author informs us, that in 1726 \*, Scotland was divided into two apostolical vicariats; one, for the high, the other, for the low-lands.

He proceeds to state, that “ the unsuccessful attempts of the Stuarts in 1715 and 1745, occasioned an increase of severity towards the catholics. Their churches,” he says, “ and a seminary, which they had at Scalan, were destroyed; and great attempts made to apprehend the ecclesiastics; they hid themselves, but several were found. Mr. Colin Campbell died in consequence of the bad treatment which he received: the fathers Gordon and Cameron, of the society of Jesus, were imprisoned. Eight others, after lying long in prison, were sent into perpetual banishment; soldiers were employed in discovering the priests, and those who discovered them were amply rewarded. In the midst of the general consternation, which all this occasioned, Mr. Hugh MacDonald, bishop of Dia, and vicar-apostolic in the highlands, retired to France: he had been particularly designated to the soldiers. He remained many years in exile; Mr. James Gordon, the vicar-apostolic of the low-lands, died during these troubles. Mr. Alexander Smith, bishop of Misinopolis, his coadjutor and successor, kept himself in obscurity at Edinburgh. He had been often denounced to the magistrates, and searches made to discover him. These proceedings were continued, long after every pretence for them

\* Bishop Hay places this event in 1731.

“ was at an end. The memoirs, which we have  
“ before us, are full of relations of the severities  
“ exercised towards the catholics in general, and  
“ the clergy in particular. In 1751, two priests,  
“ Mr. Grant and Mr. Gordon, were taken up, and  
“ the latter banished. Mr. Robert Maitland was  
“ tried and found guilty. Rewards were given  
“ for discovering a priest. The bishop of Dia, who  
“ had returned to his vicariat, was pursued and  
“ sought refuge in Edinburgh. There he was  
“ apprehended, and sentenced to imprisonment.

“ Such, at this time, were the troubles of the  
“ Scottish mission. The catholics interceded, in  
“ vain, for a cessation of these molestations. They  
“ employed the English vicars-apostolic, and even  
“ the ambassadors of the foreign powers, residing  
“ in London, to second their applications for relief.  
“ The rigour, with which they were treated, was the  
“ more surprising, as a system of conduct, totally  
“ different, was, at this time, adopted in regard to  
“ the English catholics.”

“ The American war,” says the same author,  
(vol. ii. p. 632), “ gave his majesty’s government  
“ an opportunity of manifesting sentiments of a  
“ wiser policy. In a moment of alarm, from the  
“ revolt of the American colonies, one of his ma-  
“ jesty’s judges in Scotland, (the late sir John  
“ Dalrymple), applied to Mr. George Hay, bishop  
“ of Dawlis, and vicar-apostolic in Scotland, for  
“ information respecting the general sentiments of  
“ persons of his communion on that subject ; and  
“ on the reliance, which might be placed on their

“ co-operation, with the views of the English  
 “ government. Mr. Hay expressed, in the strongest  
 “ terms, his attachment to the existing constitu-  
 “ tion. The assurances of the respectable prelate,  
 “ were confirmed by the readiness with which the  
 “ catholics enrolled themselves in the levies, then  
 “ raising for the American service. A letter of  
 “ Mr. Hay to this effect was communicated to  
 “ government.—At the same time, father Arthur  
 “ O’Leary published in Ireland an address, in  
 “ which he exhorted the catholics of Ireland to  
 “ remain faithful to the existing government.”

## LXXXV. 3.

*Riots in Edinburgh and Glasgow, in the year 1780.*

IN a former part of this work \*, mention has been made of the act, which was passed in the year 1778, for the relief of the English catholics ; and of the riots, which followed in 1780. The act did not extend to Scotland.—“ But,” says the Annual Register for the year 1780, (*History of Europe*, page 26),—“ some gentlemen of consi-  
 “ deration and authority in the northern part of  
 “ the united kingdom, expressed their warm wishes  
 “ in parliament, that its benefits were extended to  
 “ those of that communion in their own country ;  
 “ and as the season was then too far advanced,  
 “ declared their intention of bringing in a bill for  
 “ that purpose in the ensuing session. Similar  
 “ sentiments seemed to prevail during the recess,

\* Ante, vol. ii. c. lxxvii.



“ with some others ; and, as that spirit of intolerance, which had once so peculiarly distinguished Scotland from other reformed countries, was supposed to have been in a great measure worn away, along with the darkness of the times, from which such a disposition generally derives its force ; it was scarcely imagined that the intended measure of relief would have produced any considerable degree of opposition, or even of murmur.

“ The general assembly of the church of Scotland happened to be sitting at the very time that the English act was in agitation ; and that body rejected, by a majority of above an hundred voices, a motion then made, for a remonstrance to parliament against the passing of the bill. This instance of moderation in the national church could not but afford great encouragement to the catholics in Scotland to hope, that they should be permitted to partake of the indulgence which had been granted to their brethren in England, and in Ireland. They accordingly prepared a petition to parliament, and employed counsel to frame the outlines of a bill for that purpose.

“ While matters were in this train, an inflammatory pamphlet, against the doctrines and members of popery, representing the latter as inimical to all states, and as the common enemies of mankind, was written by a nonjuring clergyman, printed at the expence of the society for propagating christian knowledge, and circulated with

“ great industry through every order of the people:  
“ The effects of this publication soon began to ap-  
“ pear in some of the provincial synods, where  
“ the matter being taken up and agitated with  
“ much heat, angry resolutions were passed against  
“ the unfortunate people, who were the objects of  
“ their jealousy ; and these resolutions, including  
“ a full determination of opposing every measure  
“ of relief which was or might be intended for  
“ them, being published in the newspapers, could  
“ not fail to excite some ferment. The conduct of  
“ the synod of Lothian and Tweeddale, upon which  
“ the eyes of the people were particularly turned,  
“ seemed, however, calculated to restrain that fury  
“ of zeal, which was now generating, from spread-  
“ ing to any great extent. Notwithstanding the  
“ efforts of a violent party among themselves, the  
“ humane resolution issued by that assembly, went  
“ totally to disclaim their having any hand in op-  
“ posing the mild intentions of government, for  
“ giving relief to their fellow subjects.

“ Whatever good effects might have been ex-  
“ pected from this temperate conduct, they were  
“ entirely defeated or prevented, by the activity  
“ and boldness of a few obscure zealots in Edin-  
“ burgh ; who, under the guise of some established  
“ political body of the state, undertook the protec-  
“ tion and defence of the national church in the  
“ place of their clergy, whom they charged with  
“ a scandalous and impious desertion of the cause  
“ of God and religion. This self-created body,  
“ artfully concealing their insignificance, by stu-

“ diously keeping their names, occupations, and  
“ number, in total darkness, equally availed them-  
“ selves of the opportunity which their situation  
“ in the capital afforded, of assuming an extraor-  
“ dinary degree of importance ; and under the  
“ specious and pompous title of “ *the committee*  
“ *for the protestant interest,*” easily passed upon  
“ the public, not only for men of rank, consequence,  
“ and authority, but as the acting delegates of a still  
“ greater body.

“ Under this delusive appearance, to which the  
“ prejudices or fears of the people afforded all the  
“ sanction they could wish, they soon became so  
“ popular, that committees for corresponding with  
“ them were established in several parts of that  
“ country, and particularly in the western shires ;  
“ and the public confidence and opinion increas-  
“ ing, in proportion to the magnitude of the dan-  
“ gers which they described, and were supposed to  
“ have discovered, they were considered as the  
“ fittest and most effective agents, for applying the  
“ contributions of the well-disposed to the imme-  
“ diate defence of religion. Thus a few unknown  
“ men seemed to be entrusted with the care of the  
“ purses, as well as of the consciences of the peo-  
“ ple ; and by this means they were enabled to  
“ publish and distribute inflammatory pamphlets  
“ gratis, and without number ; while the news-  
“ papers and streets were crowded with letters, pa-  
“ ragraphs, and hand-bills, teeming with sedition,  
“ invective, and abuse ; all tending evidently to  
“ excite a people, naturally warm and irritable, to

“ acts of outrage. The effect answered their most  
“ sanguine expectations; and they soon beheld the  
“ flame which they had so successfully,—(they  
“ said unintentionally),—blown up, not only spread  
“ through every part of Scotland, but extended into  
“ the southern part of the united kingdom; until,  
“ at length, it literally blazed forth in its utmost  
“ violence, and attended with all its horrors, in the  
“ metropolis of the empire.

“ As people are always curious to know some-  
“ thing of those instruments, that are the means of  
“ producing extraordinary or unexpected effects, it  
“ may be expected that we should take some notice  
“ of the committee in question. From the only ac-  
“ count of it which we have seen, and which is  
“ said to have been obtained with no small diffi-  
“ culty, it appears, that in point of number, it  
“ amounted only to thirteen persons; that the three  
“ first or principal of these, so far as may be judged  
“ from apparent rank or condition, were, a mer-  
“ chant, a goldsmith, and a teacher of the poor in  
“ an hospital; that the remainder were either men  
“ exercising mean trades, or else writing-clerks,  
“ some serving in counting-houses, and others in  
“ public offices; excepting only the thirteenth,  
“ who being yet an apprentice, filled, notwith-  
“ standing, the important office of secretary to the  
“ committee. Such were the redoubted champions,  
“ who undertook the protection and defence of an  
“ established national religion; already guaranteed  
“ and fortified, not only by its invincible truth and  
“ holiness, but by laws, habits, length of possession,

“ public opinion, and the united force of a whole  
“ empire.

“ The wretched people who were thus marked  
“ out as the objects of public execration and ven-  
“ geance, apprehending the most fatal conse-  
“ quences from the dangerous spirit now raised,  
“ thought it prudent and necessary, early in the  
“ year 1779, to acquaint lord North, through some  
“ of the northern members of parliament, that,  
“ choosing rather to sacrifice their own future ease  
“ and advantage, than to endanger the immediate  
“ peace of their country, they would accordingly  
“ refrain from any application to the legislature,  
“ for the expected, and so much wished-for indul-  
“ gence. And hoping to assuage the fury and rage  
“ of the multitude, the letter written upon the sub-  
“ ject by these gentlemen to the minister, including  
“ that resolution, and act of forbearance on their  
“ side, which totally removed every new object of  
“ jealousy and discontent, was published in the  
“ newspapers.

“ No concession could, however, allay the fury  
“ of that outrageous zeal which was now let loose.  
“ For some time the roman-catholics had been  
“ subjected, in open day-light, and in the public  
“ streets, to contumelious treatment and shocking  
“ threats, from the enraged rabble. Magistracy  
“ probably did not imagine to what lengths they  
“ might proceed. As the destined time of ven-  
“ geance drew near, several days previous notice  
“ was publicly given, by an infinite number of  
“ incendiary letters and hand-bills, which were

“ dispersed through every part of Edinburgh, not  
“ only specifying time, place, and object, but  
“ calling upon, or summoning, the assistance of the  
“ people in the enterprise.

“ This public announcement of a dangerous de-  
“ sign, did not produce a greater alarm, or any  
“ measure of prevention ; and was followed by  
“ several light attacks with stones, and other mis-  
“ sile weapons, which seemed only calculated to  
“ feel the courage, and to excite the rage of the  
“ populace, and which went no farther than the  
“ breaking of windows, or other similar mischiefs ;  
“ which were all passed over in the same manner.

“ On the appointed day, the first and great ob-  
“ ject of attack, was a new house, in which the  
“ principal roman-catholic clergyman, or bishop,  
“ along with several other families of that persua-  
“ sion, dwelt ; one room or floor of which had  
“ been designed and prepared for a place of wor-  
“ ship, or private chapel, as being more commo-  
“ dious than another of the same nature, and  
“ situated likewise in a private dwelling-house,  
“ which they had for many years occupied, in  
“ another part of the town. Although it appears  
“ that this room had been destined for the use, to  
“ which it was not then applied, a year before any  
“ thing was agitated in parliament for the relief  
“ of the roman-catholics, yet the zealots of that  
“ party, in order to inflame the people, repre-  
“ sented this building as the immediate conse-  
“ quence of that indulgence ; and held it out as a  
“ new and signal instance of the intolerable pride

“ and daring spirit of popery, which, on the first  
“ gleam of hope, or favour, had thus at once burst  
“ through all the boundaries of decency and dis-  
“ cretion, and ventured equally to insult the nation  
“ and the protestant religion, by erecting in the  
“ metropolis, and in the face of both, this pompous  
“ place of worship and ostentatious display of its  
“ triumph, in which it was publicly to exhibit all  
“ its superstitions and pageantries.

“ The people were accordingly particularly called  
“ upon, in those incendiary letters, which we have  
“ noticed, to meet at Leith Wynd, in order ‘ to pull  
“ down that pillar of popery lately erected there.’  
“ It is to be observed, that the house, which carried  
“ no appearance without side of its containing any  
“ place of worship whatever, was inhabited by four  
“ families, besides that of the clergyman’s; and  
“ that the room, laid out for a chapel, is repre-  
“ sented as being only thirty-four feet in length.  
“ This house was violently assaulted, and set on  
“ fire, and the flames continued until the noon of  
“ the following day. The inhabitants with diffi-  
“ culty escaped with their lives.

“ During the demolition of this main ‘ pillar of  
“ popery,’ a detachment from the main body were  
“ dispatched to the old chapel, in a place called  
“ Black Friars Wynd. The house which had the  
“ ill fortune of containing that place of worship,  
“ was inhabited by several families of trades-  
“ people, whose property and effects, as well as  
“ the inside of the house and chapel, were totally  
“ destroyed. Here a considerable library belong-

“ ing to the roman-catholic bishop \*, was also destroyed or carried away. The rioters afterwards

\* The right reverend George Hay, who has been mentioned in a preceding page.—This learned and pious prelate was a convert to the catholic religion; he studied at Rome; and, after many years of missionary labour in Scotland, was appointed coadjutor to Mr. Grant, the vicar-apostolic of the low-land district, and afterwards succeeded him in that dignity. He dedicated the whole of his time to his episcopal functions, and to works of charity; he was revered and beloved by his flock, respected by the learned, and esteemed by all who knew him.

He was the author of many valuable works. One of the most important is, “ *An answer to Mr. Wm. Abernethy Drummond's letter to George Hay; in which the conduct of government, in mitigating the penal laws against papists, is justified: the seditious tendency of Wm. Abernethy Drummond's letter is discovered: the roman-catholics fully vindicated from the slanderous accusation of thinking it lawful to break faith with heretics, which Wm. Abernethy Drummond attempts to fix upon them; and Wm. Abernethy Drummond's letter proved to be a gross imposition on the public, composed of misrepresentations and false reasoning, from the beginning to the end.*” 1773, 8vo. The charge of holding it to be lawful to break faith with heretics, is certainly one of the heaviest accusations brought by protestants against catholics. It is examined, at great length and with great ability, by Dr. Hay in this publication; every form which the accusation can assume is exhibited and discussed, and every answer to it, which the case affords, is ably, perspicuously, and in the writer's opinion, triumphantly urged. Three other works of the learned prelate, *The Sincere Christian*, and *The Devout Christian*, each of them in two volumes; and *The Pious Christian*, an abridgment of them in one volume, have been generally read, and are deservedly esteemed. His *Treatise on Miracles*, in two volumes, has been translated into French, and published, with additions, by M. Hémey. In 1782, bishop Hay travelled to Rome, and was honourably received by the pope. At an advanced age he



“ directed their violence against the catholics in  
“ other parts of the town ; and totally destroyed  
“ the stock in trade and effects of two or three  
“ tradesmen of that profession ; few houses being  
“ inhabited by them, as their number was very  
“ inconsiderable, consisting chiefly of poor high-  
“ landers, the lowest and most indigent of the  
“ people. One or two ladies of fashion of that  
“ communion were threatened and insulted, and  
“ obliged to take refuge in the castle.

“ It is disagreeable to enter into the detail of these  
“ savage disorders, which continued, with little or  
“ no effectual resistance from magistracy, for some  
“ days. Some of their attempts, as they were more  
“ wicked, appeared more suitable to their courage,  
“ than the hunting, out of their obscure retreats, a  
“ handful of miserable people. They now extended  
“ their views to the punishment or destruction of  
“ those gentlemen, of whatever rank, or religion,  
“ who had been supposed to favour, or in any de-  
“ gree to afford their countenance, to the late design  
“ of obtaining a relaxation of the popery laws.  
“ The failure of success which attended their ef-  
“ forts, on this enlargement of design and object,  
“ served, however, greatly to damp the spirit of  
“ future enterprise. Their first fury was directed  
“ to the house of professor Robertson, the celebrated  
“ historian, and to that of Mr. Crosbie, an eminent  
“ advocate ; who standing high, if not at the head

retired to Acqhertie, in which he had established a seminary.  
He was succeeded by Dr. Cameron, the actual vicar-apostolic  
of the low-lands,—truly respectable and universally respected.

“ of his profession, was still more distinguished  
“ by the excellency of his character and disposi-  
“ tion. The enlightened views and liberal senti-  
“ ments of the first of these gentlemen, which  
“ rendered him an enemy to all persecution, ren-  
“ dered him an object of it to the deluded populace;  
“ and the second had submitted to the crime of  
“ being professionally employed as counsel by that  
“ people, and of having accordingly drawn up the  
“ bill, which their representatives had intended to  
“ present to parliament. The mob found the houses  
“ of these gentlemen so well armed, and guarded  
“ with so determined a resolution by their nume-  
“ rous friends, that they refrained from proceeding  
“ to extremities; and retired without any further  
“ outrage than the breaking of some windows.

“ These attempts seemed to alarm the magis-  
“ tracy; as it did not seem now easy to determine,  
“ to what farther lengths the malice of zeal might  
“ be carried, nor to what extent the objects of its  
“ revenge might be multiplied. They accordingly  
“ ordered some troops of dragoons into the town,  
“ who, with detachments from the duke of Buc-  
“ cleugh’s regiment of fencibles, formed chains  
“ across the streets and passes. But the same  
“ weakness or inertness on the side of the civil  
“ government still continued; and the soldiers,  
“ standing with arms in their hands, on this odious  
“ and painful duty, were most shamefully pelted  
“ with stones, and grievously wounded by the mob.

“ At length, on the last day of the week, a pro-  
“ clamation of a singular nature was published by

“ the magistracy. In that piece, the lord provost  
“ assures the people that no repeal of the penal  
“ statutes against papists should take place. The  
“ past riots are attributed to the apprehensions,  
“ fears, and distressed minds of well-meaning peo-  
“ ple. But they are informed that, ‘ after this  
“ public assurance, the magistrates will take the  
“ most vigorous measures for repressing any tu-  
“ multuous or riotous meetings of the populace,  
“ which may hereafter arise ; being satisfied that  
“ any future disorders will proceed only from the  
“ wicked views of bad and designing men.’ A  
“ clause which seems to imply the strange conces-  
“ sion, that the magistrates had not hitherto done  
“ their duty in suppressing the riots ; and the no  
“ less extraordinary proposition, that the past dis-  
“ orders proceeded from good and well-disposed  
“ people.

“ The example of Edinburgh was in some de-  
“ gree copied in Glasgow ; but the conduct of the  
“ magistrates in that great trading city was widely  
“ different. The objects of persecution being few  
“ in the latter, and being almost wholly, as for the  
“ greater part they were in the former, composed  
“ of poor and laborious people, who were even  
“ destitute of a clergyman of their own profession,  
“ the fury of the populace was first and principally  
“ directed to a Mr. Bagnal, an English roman-  
“ catholic ; who, being a native of Staffordshire,  
“ had introduced the art peculiar to his own coun-  
“ try into Glasgow, where he had established,  
“ and for several years conducted, a considerable.

“ manufactory of stone ware. The mob burned his  
“ houses ; totally destroyed his manufactory and  
“ stock in trade ; and obliged himself and his fa-  
“ mily to fly for their lives into the fields. But the  
“ laudable measures pursued by the magistrates  
“ and principal inhabitants, for restoring the public  
“ peace and tranquillity, were so efficacious, that  
“ the mischief went no farther, and order and  
“ security were soon restored. Being also, at the  
“ same time, equally ashamed and concerned, that  
“ the character and government of so extensively  
“ commercial a city should suffer under the impu-  
“ tation and disgrace of such an act of outrage and  
“ persecution, they seemed willing, so far as it  
“ could be done, to obliterate every trace of it from  
“ the memory. Bagnal was accordingly speedily  
“ acquainted, that he should be reimbursed for  
“ every part of his losses to the uttermost farthing ;  
“ and several of the principal inhabitants, includ-  
“ ing respectable names among the clergy, acquired  
“ no small honour, by the attention and tenderness  
“ which the wife and family of the sufferer expe-  
“ rienced from them, during the immediate pressure  
“ of their terror and distress.

“ These matters were of course agitated more  
“ than once in parliament during that session ; and  
“ a patriotic member of the house of commons was  
“ upon the point of bringing in a bill for affording  
“ compensation and relief to the sufferers, until the  
“ minister gave an assurance, that the matter would  
“ be privately settled to their satisfaction.”

*The Act passed in the year 1793, for the relief of the  
Scottish Catholics.*

“ I, do sincerely, from my heart,  
“ profess and declare, before God, who searcheth  
“ the heart, that I do deny, disown, and abhor,  
“ these tenets and doctrines of the papal Romish  
“ church,—viz.—The supremacy of the pope and  
“ bishop of Rome, over all pastors of the catholic  
“ church; his power and authority over kings,  
“ princes, and states, and the infallibility that he  
“ pretends to, either without or with a general  
“ council; his power of dispensing and pardoning;  
“ the doctrine of transubstantiation, and the cor-  
“ poral presence with the communion, without the  
“ cup, in the sacrament of the Lord’s supper; the  
“ adoration and sacrifice professed and practised  
“ by the popish church in the mass; the invocation  
“ of angels and saints; the worshipping of images,  
“ crosses and relics; the doctrine of supererogation,  
“ indulgences, and purgatory; and the service and  
“ worship in an unknown tongue: all which tenets

“ and doctrines of the said church, I believe to be  
“ contrary to and inconsistent with the written  
“ word of God ; and I do, from my heart, deny,  
“ disown, and disclaim the said doctrines and tenets  
“ of the church of Rome, as in the presence of God,  
“ without equivocation or mental reservation, but  
“ according to the known and plain meaning of the  
“ words, as to me offered and proposed. So help  
“ me God.”

It has been mentioned in a former part of this work, that the act passed in 1778, for the relief of the English catholics, did not extend to the catholics in Scotland ; neither did the repealing act of 1791 extend to them. But, on Monday the 22d of April 1793, the lord advocate of Scotland stated, in the house of commons, that, “ his majesty’s catholic subjects in Scotland’ were then  
“ incapacitated by law, either from holding or  
“ transmitting landed property, and were liable to  
“ other very severe restrictions, which could not  
“ then be justified by any necessity or expediency.” He therefore moved, “ That leave should be given  
“ to bring in a bill to relieve persons professing  
“ the roman-catholic religion from certain penalties  
“ and disabilities imposed on them by acts of parliament in Scotland, and particularly by an act  
“ of the 8th of king William.”

On the following day, the lord advocate proceeded to observe, that the “ roman-catholics of  
“ Scotland laboured under many hardships and  
“ disabilities on account of their adherence to  
“ their religion. By one law, an oath, called a

“ formula, or solemn declaration, was imposed  
“ upon them, which they could not take, without  
“ renouncing the religion which they professed;  
“ and that if they refused to take it, their nearest  
“ protestant relation might deprive them of their  
“ estates.” His lordship stated, that, “ it was re-  
“ pugnant to justice and humanity, that a subject  
“ should be deprived of his estate, for no other  
“ reason than that he professed the religion most  
“ agreeable to his judgment and his conscience ;  
“ or that he should be placed in the wretched  
“ situation of holding his estates at the mercy of  
“ any protestant relation, who might be profligate  
“ enough to strip him of it, by enforcing this penal  
“ law. The liberality, which had induced the  
“ house the last year, and, on a former occasion,  
“ to grant relief to the roman-catholics of England,  
“ would, he was persuaded, induce them to extend  
“ relief also to the roman-catholics of Scotland,  
“ whose loyalty and conduct gave them an equal  
“ claim to the indulgence of the legislature. He  
“ admitted that the particular law, to which he  
“ referred, was too odious to be often carried into  
“ execution ; but, if it was not fit that it should be  
“ executed at all, it ought not to be suffered to  
“ remain, merely as a temptation to the profligate  
“ to strip honest and meritorious people of their  
“ property.” He said, he was extremely sorry to  
inform the committee, “ that there was, at that  
“ moment, a suit actually depending in the courts  
“ of law in Scotland, founded on this particular  
“ statute. A roman-catholic gentleman, as respect-

“ able and amiable in character as any man in this  
“ or any other kingdom, was possessed of an estate  
“ of 1,000*l.* a year, which had been in his family  
“ for at least a century and a half; this gentleman,  
“ loved and respected by all who knew him, was  
“ now on the point of being stripped of his pro-  
“ perty by a relation, who could have no other  
“ shadow of claim to it than that which he might  
“ derive from this penal law, which he was en-  
“ deavouring rigidly to enforce. In the courts, as  
“ much delay as possible was thrown in his way;  
“ but it was to be feared that he must succeed at  
“ last, and reduce to beggary a gentleman in every  
“ respect a most meritorious subject. If it was too  
“ late to save him from such a misfortune, the  
“ legislature, he trusted, would interpose, and take  
“ care that he should be the last victim to a cruel  
“ law, and that it should never operate in future to  
“ the destruction of any other person; for surely  
“ it was no longer to be endured, that a man  
“ should be placed in the horrid situation of either  
“ renouncing the religion of his heart, or by ad-  
“ hering to it conscientiously, forfeit all his worldly  
“ substance.” His lordship concluded by moving,  
“ That the chairman should be directed to move  
“ the house for leave to bring in a bill requiring  
“ an oath of abjuration and declaration from his  
“ majesty’s roman-catholic subjects in that part of  
“ Great Britain called Scotland.”

Colonel Macleod having declared his ready concurrence in the measure proposed, the question was unanimously carried; and the bill having



passed through all its stages without opposition, it received, in due course, the confirming sanctions of the other branches of the legislature\*.

## LXXXV. 5.

*Some Observations on the Oath, for the relief of the Scottish Catholics.*

THE preamble to this act is very remarkable:— it is expressed in the following terms:—

“ Whereas by an act of the parliament of  
 “ Scotland, made in the 8th and 9th sessions of  
 “ the first parliament of his late majesty king  
 “ William the third, (intituled, ‘ an act for pre-  
 “ venting the growth of popery;’) several penalties  
 “ and disabilities are imposed upon all persons  
 “ professing the roman-catholic religion, within  
 “ that part of the kingdom of Great Britain called  
 “ Scotland, who shall refuse to make *a renunciation*  
 “ *of popery*, according to the formula thereunto  
 “ subjoined, in the manner therein expressed: *And*  
 “ *whereas the rigour of the aforesaid act, at the*  
 “ *time of its passing, was chiefly judged expedient,*  
 “ *in order to preserve the government against the*  
 “ *attempts of efforts of those persons, who then did,*  
 “ *or were supposed to acknowledge, the temporal*  
 “ *superiority or power of the pope, or see of Rome,*  
 “ *over that part of the realm of Great Britain*  
 “ *called Scotland, which is contrary to, and incon-*  
 “ *sistent with, the allegiance of the subjects of the*  
 “ *said realm: And whereas the aforesaid formula*

\* See the Annual Register of the year 1793,

“ *contains only a renunciation of speculative and*  
“ *dogmatical opinions*, but imports no positive as-  
“ surance of the submission and attachment of the  
“ persons making the same, to the laws and con-  
“ stitution of the realm, or to the person of his  
“ most sacred majesty : And whereas, in and by  
“ an act of parliament, made in the thirty-first year  
“ of the reign of his present majesty, (intituled,  
“ ‘ an act to relieve, upon certain conditions, and  
“ under certain restrictions, the persons therein  
“ described, from certain penalties and disabilities,  
“ to which papists, or persons professing the popish  
“ religion, are by law subject,’ ) a certain form of  
“ oath, abjuration, and declaration was prescribed  
“ to be taken and subscribed by all persons pro-  
“ fessing the roman-catholic religion, *which was*  
“ *found a proper and sufficient test of the loyalty of*  
“ *such persons who should take and subscribe the*  
“ *same* ; and upon the taking and subscribing  
“ thereof, they became exempted and relieved from  
“ many pains, penalties, and disabilities, to which  
“ they were before subject and liable : And by the  
“ said act it was provided, that nothing therein  
“ contained should extend to that part of Great  
“ Britain called Scotland : And whereas it is now  
“ found expedient, that *one common form of oath,*  
“ abjuration, and declaration, shall be taken and  
“ subscribed by all his majesty’s subjects professing  
“ the roman-catholic religion, throughout the whole  
“ kingdom of Great Britain, and that similar ad-  
“ vantages shall be annexed to the taking and  
“ subscribing of the same :”

It was therefore enacted, that “ from thenceforth  
 “ all persons professing the roman-catholic reli-  
 “ gion, within that part of the kingdom of Great  
 “ Britain called Scotland, who should take and  
 “ subscribe the oath, abjuration, and declaration,  
 “ thereafter expressed, and in the manner thereby  
 “ directed and required, should be exempted and  
 “ relieved from all the pains, penalties, and disa-  
 “ bilities imposed, enacted, revived, ratified, and  
 “ confirmed by the before-mentioned act of the  
 “ 8th and 9th sessions of the first parliament of  
 “ king William the third, as fully and effectually,  
 “ to all intents and purposes whatsoever, as if such  
 “ persons had actually *made the renunciation of*  
 “ *popery thereby ordained, according to the formula*  
 “ *thereunto subjoined.*”

Both the general tenor and the language of this act are very remarkable. They appear to imply, or rather to express, in clear and unambiguous terms, that the parliament, who passed the act, understood,—1st, That popery consists in the belief of the pope’s right to temporal power in this country\*; 2dly, That a roman-catholic, taking the oath of supremacy, denies by it the pope’s temporal power, but does not deny by it his spiritual power†; —3dly, That this spiritual power was, in a political view, merely a speculative and dogmatical opinion;—4thly, That the oath of 1778 was, and

\* If this be true, there is now no papist.

† But it has, we apprehend, been shown in a former part of the work, that the oath of supremacy is not susceptible of this construction.

had been found, a proper and sufficient test of the loyalty of the persons, by whom it is taken ;—and 5thly, That an uniformity of oaths is desirable.

*Quid quarimus ultra?—LUCAN.*

The catholics solicit from parliament nothing more than that they should legislate, in their regard, upon these principles, in a manner suitable to their high wisdom and liberality, and with a due regard to the honour and conscientious feelings of those whom they profess to relieve.

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## CHAP. LXXXVI.

### THE VETO.

IN 1813, a bill was brought into the house of commons of the imperial parliament, for the emancipation of the catholics of Great Britain and Ireland. If it had passed, it certainly would have placed them in a situation greatly better, in many respects, than that which they now hold in the united kingdom. But, to many catholics, it was unpalatable : they chiefly quarrelled with it for the negative which it allowed to the crown in the election of bishops, and for the regulations to which it subjected the correspondence of the dignitaries of their church with the see of Rome. The negative power which these clauses were supposed to confer on the crown, soon received the short but expressive appellation of **THE VETO**.

We shall attempt in this chapter to give our readers a summary account of the principal circumstances which attended it:—I. The negotiations in 1799, between lord Castlereagh and the Irish catholic prelates, respecting the veto:—II. The resolutions of the Irish catholic prelates in its favour:—III. The allegation, that they were intimidated into these resolutions:—IV. The offer of government to them of a state provision, and their grateful acceptance of it:—V. The degree of negative power which the English government sought, in these negotiations, to obtain in the appointment of Irish prelates to their sees:—VI. The first mention of the veto in the house of commons, in sir John Cox Hhipisley's speech, on the 13th of May 1805:—VII. The approbation of that speech by the Irish prelates, and their request that he would publish it:—VIII. The suggestion of the veto in the house of commons by Mr. Ponsonby, and, in the house of lords, by lord Grenville:—IX. The subsequent adherence of the Irish prelates to the veto:—X. The opposition to it in Ireland:—XI. Its advocacy in the "Letter addressed to a parish priest, by Dr. "Milner," vicar-apostolic in the midland district of England, and, at that time, agent of the Irish prelates:—XII. The declarations of the Irish prelates, that the veto was inexpedient; the explanation given by the primate O'Reilly of that declaration:—XIII. The conciliatory resolution of a meeting of English catholics:—XIV. The sixteenth of the resolutions entered into by the Irish prelates, at their meeting in 1810:—XV. Extracts from a letter of

monsignor Quarantotti to Dr. Poynter:—XVI. From the address of the English roman-catholics to his holiness pope Pius the seventh:—XVII. From the letter of the pope to the English catholics:—XVIII. And from a letter of cardinal Litta to Dr. Poynter:—XIX. Further resolutions of the Irish prelates respecting the veto:—XX. The pope's reply:—XXI. Remonstrance of the general board of catholics in Ireland:—XXII. And the pope's reply to them.

## LXXXVI. 1.

*Negotiations between Lord Castlereagh and the Catholic Prelates of Ireland, in 1799, respecting the Veto.*

THE material document, in this part of the subject, is lord Castlereagh's speech in the debate, in the house of commons, in the sessions of 1810, on the petition of the roman-catholics of Ireland\*. His lordship's speech,—a corrected copy of which is now before the writer,—contains the following important passage:—

“After some introductory observations,” says the compiler of the account of his lordship's speech, “lord Castlereagh proceeded to discuss the internal circumstances of Ireland, which rendered

\* See “The substance of the Speech delivered by lord viscount Castlereagh, on the 25th of May 1810, on Mr. Grattan's motion to take into consideration the roman-catholic petition. To which are added, copies of the original documents therein referred to. Stockdale, 1810. See also, The debates in both houses of parliament, in the sessions of 1810, on the petition of the roman-catholics of Ireland.”—Keating, Brown, and Keating, 1811.

“ regulations necessary ; and made concession,  
“ under adequate checks, conducive to the social  
“ settlement of Ireland. He adverted to the mag-  
“ nitude of catholic population ; the struggles for  
“ power, that had, for centuries, divided and de-  
“ solated the country ; the severe laws, which the  
“ protestants, a minority in Ireland, but a majority  
“ in the scale of the empire\*, had felt themselves  
“ compelled, under an overruling necessity, to  
“ enact, for their own preservation ;—Laws framed  
“ to depress catholic power, and to secure the state  
“ and the church, by weakening opponents, then  
“ unhappily hostile to both. Happy times had  
“ succeeded. The last century in Ireland had been  
“ one of comparative repose and returning concord.  
“ The protestants had met the change with corres-  
“ ponding sentiments, and we had the satisfaction  
“ to observe, under the benevolent protection of  
“ his present majesty, the catholics relieved from  
“ all the severities and the greater part of the dis-  
“ abilities of that painful code ; but still, whilst  
“ the roman-catholics have long ceased to be a

\* This seems to require some explanation :—The word  
“ protestant” may be used to denote either all the subjects of  
his majesty who believe in Christ, and are not in communion  
with the see of Rome ; or those only who are members of the  
established church. In the first sense, a large majority of his  
majesty’s subjects, unless we take his infidel and mahometan  
subjects into calculation, is protestant ; in the latter sense, the  
protestants are less in number than the aggregate amount of his  
majesty’s other christian subjects ; it may even be questioned,  
whether, in this sense, the protestants of the established church  
are as numerous as the roman-catholic subjects of his majesty.

“ depressed and impoverished people ; whilst all  
“ the means of acquiring wealth, influence, and, of  
“ course, power, have been communicated to them,  
“ little progress has been made in considering how  
“ this mighty interest in the scale, not only of Ire-  
“ land, but of the empire, can best be brought into  
“ useful connection with the state.

“ His right hon. friend (sir W. Scott,) had truly  
“ described the great power and influence which  
“ every where appertains to the roman-catholic  
“ hierarchy, and no where, in a greater degree, than  
“ in Ireland. It might be doubted, whether the  
“ influence of the roman-catholic clergy in Ireland  
“ was not the most powerful instrument that ex-  
“ isted, in that country, to direct the minds of the  
“ people ; not merely with respect to their spiritual,  
“ but their temporal, concerns. How important then,  
“ to the peace, as well as social and moral improve-  
“ ment of the country, that the clergy of so large  
“ a proportion of the people should be connected  
“ with the state, by every tie of common interest,  
“ which may be compatible with the principles of  
“ their religion and the character of its ministers !

“ When he expressed his desire to see such a  
“ connection established, *it was not in the expecta-*  
“ *tion of imposing upon them, any unbecoming or*  
“ *unworthy influence, which might lower them in the*  
“ *minds of their own people, and disqualify them for*  
“ *the due discharge of their sacred functions. It*  
“ *was no part of his purpose to endeavour to extin-*  
“ *guish the roman-catholic religion in Ireland: he*  
“ might lament the extent of sectarianism in the em-



“pire, as adding largely to the difficulties of governing it; but he was sure any attempt, at this time, to disturb the faith and habits of a people, long attached, under every difficulty, to their religion, was equally unwise and impracticable; his wish was, therefore, not that they should cease to be roman-catholics, for if they did, they probably would cease to have any religion; it was, that they should continue to be sincere, but liberal roman-catholics, connecting themselves with their own government, for purposes of mutual benefit, to the exclusion of all foreign connection.

“It was not, as justifying any reflection upon the roman-catholic body in Ireland, he felt it necessary to observe, that, not only no connection at this moment subsisted between their church and the temporal state, under which they lived;—such as has been known to exist, both between roman-catholic governments and roman-catholic churches,—but between protestant governments and roman-catholic churches,—without any infraction of the principles of their faith;—but that the catholic hierarchy in Ireland is known to be, at this day, in a state of more complete and unqualified dependence upon a foreign authority, than any other catholic church, now subsisting in Europe. It is no reproach to the catholic clergy in Ireland, that the liberties of their church have not been vindicated in former times, as successfully, against the see of Rome, as those of the Gallican or other roman-catholic churches have been. Such efforts have seldom been made, successfully, except in concert with, and at the

“ instance of the state itself. It has been the un-  
 “ fortunate policy of the British government, since  
 “ the Reformation, instead of endeavouring to limit  
 “ and control papal authority,—(so far as papal  
 “ power may, consistently with the principles of the  
 “ roman-catholic church, be limited and controlled),  
 “ —to aim at a fruitless and ineffectual exclusion  
 “ of what they never did, nor could, effectually  
 “ exclude. If such a policy were ever rational, it  
 “ is obviously inapplicable to times, when the re-  
 “ ligion of the roman-catholics is not only recog-  
 “ nised and established by law; but those, who  
 “ profess it, admitted to the exercise, if not to all,  
 “ at least to some of the most important privileges  
 “ of the constitution.

“ Is it not obvious, then, that the state and the  
 “ roman-catholics have a common interest in ob-  
 “ taining such safeguards against the abuse of  
 “ papal authority and foreign influence, as other  
 “ states, both roman-catholic and protestant, have  
 “ established, without prejudice to the principles  
 “ of the roman-catholic church, and with the full  
 “ acquiescence and sanction of the pope himself?  
 “ And surely, if, at former periods, such securities  
 “ were desirable, how indispensably necessary have  
 “ they become, since the head of that church has  
 “ not only ceased, in common with the other states  
 “ of Europe, to be free, but has been enslaved as  
 “ a prisoner, within the territories of the enemy.\*  
 “ Such were the feelings and impressions, under  
 “ which Mr. Pitt’s government, at the period of the

\* The reader will recollect that Buonaparte was at this time  
 in the zenith of his power, and held the pope in captivity.

“Union, contemplated the possibility of effecting  
“a general settlement.

“Upon the ecclesiastical part of the arrangement,  
“Lord Castlereagh was authorised, in the year 1799,  
“to communicate with the catholic clergy. It was  
“then distinctly understood, that the consideration  
“of the political claims of the catholics must re-  
“main for the consideration of the imperial par-  
“liament; but the expediency of making, without  
“delay, some provision for their clergy, under  
“proper regulations, was so generally recognised,  
“even by those, who were averse to concessions of  
“a political nature, that a communication was offi-  
“cially opened with the heads of their clergy upon  
“the subject.

“The result of their deliberations was laid before  
“government, in certain resolutions, signed by ten  
“of their bishops, including the four metropolitans,  
“in January 1799.”

## LXXXVI.

January 1799.

*Resolutions of the Irish Prelates in favour of the Veto.*

“The following is an authentic copy of these cele-  
“brated resolutions.

“At a meeting of the roman-catholic prelates,  
“held in Dublin the 17th, 18th and 19th of Ja-  
“nuary 1799, to deliberate on a proposal, from  
“government, for an independent provision for the  
“roman-catholic clergy of Ireland, under certain  
“regulations, not incompatible with their doctrines,  
“discipline, or just influence,—it was admitted,

“ That a provision, through government, for the  
 “ roman-catholic clergy of this kingdom, competent  
 “ and secured, ought to be thankfully accepted.

“ That, in the appointment of the prelates of the  
 “ roman-catholic religion to vacant sees, within the  
 “ kingdom, such interference of government, as may  
 “ enable it to be satisfied of the loyalty of the per-  
 “ son appointed, is just, and ought to be agreed to.

“ That, to give this principle its operation with-  
 “ out infringing the discipline of the roman-catho-  
 “ lic church, or diminishing the religious influence,  
 “ which prelates of that church ought justly to  
 “ possess over their respective flocks, the following  
 “ regulations seem necessary :

“ 1st. In the vacancy of a see, the clergy of the  
 “ diocese to recommend, as usual, a candidate to  
 “ the prelates of the ecclesiastical province, who  
 “ elect him, or any other they may think more  
 “ worthy, by a majority of suffrages :—in the case  
 “ of equality of suffrages, the presiding metropo-  
 “ litan to have a casting vote.

“ 2d. In the election of a metropolitan, if the  
 “ provincial prelates do not agree, within two  
 “ months after the vacancy, the senior prelate shall  
 “ forthwith invite the surviving metropolitans to  
 “ the election, in which each will have a vote : in  
 “ the equality of suffrages, the presiding metropo-  
 “ litan to have a casting vote.

“ 3d. In these elections, the majority of suffrages  
 “ must be *ultra-medietatem*, as the canons require,  
 “ or must consist of the suffrages of more than half  
 “ the electors.

“ 4th. *The candidates so selected, to be presented*

“ *by the president of the election to government ;*  
 “ *which, within one month after such presentation,*  
 “ *will transmit the name of the said candidate, if no*  
 “ *objection be made against him, for appointment to*  
 “ *the holy see, or return the said name to the presi-*  
 “ *dent of the election, for such transmission as may*  
 “ *be agreed on.*

“ *5th. If government have any proper objection*  
 “ *against such candidates, the president of the elec-*  
 “ *tion will be informed thereof within one month*  
 “ *after presentation, who, in that case, will convene*  
 “ *the electors to the election of another candidate.*

“ *Agreeably to the discipline of the roman-catho-*  
 “ *lic church, these regulations can have no effect,*  
 “ *without the sanction of the holy see ; which sanc-*  
 “ *tion, the roman-catholic prelates of this kingdom*  
 “ *shall, as soon as may be, use their endeavours*  
 “ *to procure.*

“ *The prelates are satisfied, that the nomination*  
 “ *of the parish priests, with a certificate of their*  
 “ *having taken the oath of allegiance, be certified*  
 “ *to government.*

“ *Richard O'Reilly, R. C. A. B. Armagh.*

“ *J. J. Troy, R. C. A. B. Dublin.*

“ *Edward Dillon, R. C. A. B. Tuam.*

“ *Thomas Bray, R. C. A. B. Cashel.*

“ *P. J. Plunkett, R. C. B. Meath.*

“ *F. Moylan, R. C. B. Cork.*

“ *Daniel Delancy, R. C. B. Kildare.*

“ *Edmund French, R. C. B. Elphin.*

“ *James Caulfield, R. C. B. Ferns.*

“ *John Cruise, R. C. B. Ardagh.”*

“ Dublin, January 28th 1799.

“ The prelates, assembled to deliberate on a pro-  
 “ posal from government, of a provision for the  
 “ clergy, have agreed, that m. r. Dr. O'Reilly, m. r.  
 “ Dr. Troy, r. r. Dr. Plunkett, and such other of  
 “ the prelates, who may be in town, be commis-  
 “ sioned to transact all business with government,  
 “ relative to the said proposal, under the substance  
 “ of the regulations agreed on and subscribed by  
 “ them.”

From these papers it appears, that the resolutions of the Irish roman-catholic prelates in favour of the veto, were the subject of their deliberations for three successive days; and that, on the ninth day after their last deliberation upon it, the prelates again met, and appointed a committee to complete the business, according to the substance of the resolution.

The prelates assembled were ten in number: they consisted of the four metropolitan archbishops, and the six senior bishops.

#### LXXXVI. 3.

*Allegation that the Irish catholic Prelates were intimidated into the Resolutions of 1799.*

It will be seen that, at a future period, the Irish prelates objected to the *expediency* of these resolutions. Their raising this objection, exposed them to *the charge of inconsistency*. To defend them against it, a strange apology was made for them

by some of their advocates. Dr. Milner, then their London agent, in his *Elucidation of the Veto*, says, “the prelates were beset and plied;” and Mr. Clinch, their Dublin advocate, writes, in his *Inquiry, Dublin, 1808*, that the resolutions passed, “when the reign of terror was still breathing; by  
“practising upon fear and solitude, and by little  
“less than a menace.”

This apology criminales, equally, the prelates and government. It imputes, to the former, a total deficiency of religious firmness, and even a want of common manly fortitude: to the latter, practices of a very ungenerous nature. The conduct of neither stands in need of any such apology; as nothing like terror or artifice was used to obtain the resolutions.

That any such means were used has never been asserted by the prelates themselves, and the use of them has been explicitly denied by lord Castlereagh. In the speech, to which we have already referred, his lordship said, “the house would judge  
“of the surprise, with which he must have learnt,  
“after receiving from the hands of that church,  
“the resolutions in question, not only that such  
“regulations as were therein expressed, could not  
“be acceded to by the catholics; but that it was  
“also alleged, that the roman-catholic bishops,  
“who signed those resolutions, had been terrified  
“by the Irish government of that day, into an  
“acquiescence in measures, which they afterwards,  
“upon reflection, disapproved.”

Lord Castlereagh expressed his persuasion that

“ a statement, so ridiculous upon the face of it, *and*  
“ *so utterly destitute of truth*, never could have been  
“ countenanced by any one of the respectable indi-  
“ viduals, who signed those resolutions. The fact  
“ was, that he never perceived the slightest repug-  
“ nance, on their part to the measure ; or a doubt  
“ of its being consistent with the principles of their  
“ religion, to give to the crown a negative upon  
“ the appointment of their bishops. As little did  
“ they doubt of the arrangements being acceptable  
“ to the pope, whose consent they undertook to  
“ use their endeavour, as soon as possible, to pro-  
“ cure.”

Nothing can be more explicit than these declarations of lord Castlereagh ; and it must be admitted that a subsequent declaration of Dr. Milner, is equally explicit. In his “ *Letter to a Parish Priest*,” he tells the prelates in express terms, that “ they made the resolutions *voluntarily*.”

In fact the single circumstance, mentioned in the preceding article, that the Irish prelates were *three days* in deliberation, and that *nine days* afterwards they met and appointed a committee upon the business, shows that the charge of intimidation is, to use lord Castlereagh's expression, wholly destitute of truth.



## LXXXVI. 4.

*The Offer by Government to the Irish Prelates, and their acceptance of a State Provision.*

ANOTHER part of the arrangement, in 1799, between the Irish roman-catholic prelates, and lord Castlereagh, respected the provision to be made, by the state, for the Irish roman-catholic clergy.

To understand it, the reader should be informed, that the roman-catholic clergy of Ireland are supported by the contributions of their respective flocks, except in some instances, where the pious charity of individuals has established a permanent fund for the provision of clergymen attached to particular places, or to particular functions. Mr. Newenham, in the Appendix\* to his "*View of the Natural, Political, and Commercial Circumstances of Ireland*," has inserted a letter from a roman-catholic clergyman of the city of Cork, which gives a full and interesting view of the situation of the roman-catholic clergy in Ireland. It shows, "the nature of their subsistence," to use the writer's own words, to be "precarious, unsatisfactory, and uncomfortable," as it depends on their receiving certain remunerations, on ordinations, marriages, and baptisms. It is obvious, that such a mode of payment of ecclesiastical dues must be extremely unpleasant both to the clergy and the laity: an alteration of it had long been desired.

\* N° xxix. p. [41.]

Not long before the period of which we are now speaking, the roman-catholic bishops of Scotland had solicited such a provision, in aid of the pittance left to them and their clergy from the confiscation of their property on the continent\*. Mr. Pitt lent a compassionate ear to their distresses, and appropriated, from the public revenue, a yearly sum of money for their relief, and made a liberal donation to each of their seminaries. The sentiments of the see of Rome, on this act of munificence, were expressed in an official note, addressed to sir John Cox Hhipisley, under the signature of cardinal Borgia, prefect of the congregation of *Propagandá Fide*, by the express command of the sovereign pontiff.

The meritorious and edifying conduct of the Irish prelates, on this delicate part of the negotiation between them and lord Castlereagh is thus mentioned by his lordship †, “ It is due, (he said), “ to the roman-catholic bishops, at the same time, “ to state, that government experienced, on their “ part, every facility in the inquiries they had to “ make; they furnished them freely, and without “ the appearance of distrust, with every informa- “ tion they required. They showed, throughout “ the discussion, an earnest disposition to conform “ to any arrangements which might be proposed, “ with a view to give confidence to the protestants,

\* Debates in 1810, p. 28. The substance of the speech of sir John Cox Hhipisley on seconding Mr. Grattan’s motion in 1810, pp. 7, 8, 9, and 10.

† Debates in 1810, p. 94.

“and which might not derogate from the principles of their own church. They acknowledged that a moderate provision from the state, such as had been extended to the presbyterian clergy in Ireland, and to the roman-catholic clergy in Scotland, would contribute much to the comfort and respectability of their clergy; yet they always displayed an unaffected and disinterested reluctance to receive exclusive benefits, which might have the appearance of separating their interests from those of the laity, and thereby impair their means of discharging, with effect, their sacred functions.”

## LXXXVI. 5.

*The degree of negative Power, in the appointment of Irish Prelates to their Sees, which, in these Negotiations, Government proposed to be conceded to the Sovereign.*

WE shall close this account of the origin of the veto, with lord Castlereagh's exposition of the degree of negative power, which government wished to obtain, in the appointment of roman-catholic prelates in Ireland; and of the reasons, which made government think, that their obtaining it was desirable: “So far,” these are his lordship's words, “was the negative intended to be given to the crown, from being considered, as carrying with it, any direct control over the appointment of their bishops, that the wish, to have such a power was distinctly disclaimed on the part of government. Not that ministers, considered that an

“ actual nomination of a roman-catholic bishop,  
“ even by a temporal prince of a different church,  
“ was, in itself, necessarily incompatible with the  
“ roman-catholic faith in Ireland, any more than in  
“ Russia, or Prussia,—(the nomination only operating in the nature of a recommendation to the  
“ pope ;)—but it was, of all others, precisely that  
“ power, which government would have been most  
“ unwilling to charge itself with ; incompetent as  
“ they felt themselves, faithfully to administer such  
“ trust, they were persuaded that direct patronage  
“ was unnecessary to the purposes, which alone  
“ they had in view, in claiming any interference ;  
“ viz. the obtaining for the protestants, a security  
“ that no person, thereafter, should be invested  
“ with the functions of a roman-catholic bishop, of  
“ whose character, as a loyal man and good subject, the state was not previously satisfied. They  
“ also knew, that direct appointments by the state  
“ were likely to create unnecessary jealousy, and  
“ to deprive, in the same degree, the individual  
“ chosen, of the respect and confidence of those  
“ committed to his care. If patronage had been  
“ really the object, it never could have been secured ; but on the contrary it would have been  
“ defeated, by the open and avowed exercise of  
“ such a power, as the proposed negative, by the  
“ responsible servants of the crown. *No such object*  
“ *was looked to ; and the persons, with whom government*  
“ *communicated, at the time, did perfectly*  
“ *understand, and did justice to the principles, upon*  
“ *which government acted.*

“ Those, who had studied the public temper of  
“ Ireland, can best appreciate, how salutary would  
“ have been the effects of such an arrangement ;  
“ how much the protestants would have been con-  
“ ciliated and satisfied, if the government were  
“ intrusted with the means of excluding dangerous  
“ men from the exercise of such important powers ;  
“ and how much the roman-catholic clergy might  
“ be improved, if they grew up in such commu-  
“ nication with the state, under which they lived,  
“ as to feel that it was not less their interest, than  
“ their duty to maintain, at all times, a reputation  
“ for loyalty and fidelity. Its benefits would not  
“ have terminated there. In times of public tumult  
“ and popular delusion, the roman-catholic clergy  
“ would feel, that they had, at least something, on  
“ which they might subsist, without being com-  
“ pelled to flatter their misguided flock, till the  
“ period of intemperance had passed away, and  
“ might thus be enabled, with a firmer and bolder  
“ step, to tread in the path of their duty.

“ Whilst the roman-catholic clergy feel a becom-  
“ ing confidence in the purity of their own inten-  
“ tions, and justly appeal to the tests, by which they  
“ have solemnly disclaimed all the noxious tenets  
“ which have, in former times, been imputed to their  
“ church ;—whilst they declare that they owe no  
“ obedience to the pope, inconsistent with their  
“ duty as good subjects, and that their allegiance  
“ to the external head of their church is purely  
“ spiritual, and restricted to matters of faith and  
“ doctrine, yet they must be too well versed in the

“ history of mankind; not to feel, and to allow, that,  
“ so long as spiritual authority is exercised by men,  
“ it is prone to mix itself in temporal concerns;  
“ more especially in matters, which may be con-  
“ sidered as affecting the interests of the church  
“ itself:—that a taste for power is inseparable from  
“ human nature, and that the time may return, when  
“ the power and influence of the see of Rome, if  
“ not restrained by wholesome regulations, (a sup-  
“ position not extravagant, when the visible head  
“ of the catholic church is a prisoner, and conse-  
“ quently an instrument in the hands of the enemy),  
“ may be turned against the temporal interests and  
“ security of the state. Why is the British govern-  
“ ment alone, of all the powers in Europe, to remain  
“ exposed to a danger, against which it has been  
“ the invariable policy of all other states, roman-  
“ catholic as well as protestant, to provide? Why  
“ should Spain, the country perhaps, of all others in  
“ Europe, least disposed either to heresy or schism,  
“ have sedulously excluded the see of Rome from  
“ any intercourse with the church, except through  
“ the state? Why did Austria? Why did France?—  
“ Unless they were satisfied that such a power, if  
“ secretly exercised over the clergy, (passing by the  
“ state), might and must be abused. If roman catho-  
“ lic states have not thought it safe to rely upon the  
“ mere security of oaths, defining the allegiance of  
“ the clergy to the temporal government, the inter-  
“ pretation of which, in all cases of doubtful import,  
“ as matters of conscience, can only rest with the  
“ individuals subscribing them; and, if they have

“ deemed it essential to their freedom, and safety,  
“ to fence themselves round with additional safe-  
“ guards, and even to exclude the direct power of  
“ the see of Rome, from operating within their  
“ dominions, in concerns not purely appertaining  
“ to faith and doctrine, can the roman-catholics  
“ of these dominions complain, if the protestant  
“ state of this realm should regard that foreign  
“ power with similar sentiments of fair and justi-  
“ fiable jealousy; and insist upon corresponding  
“ measures of security and precaution? Shall the  
“ roman-catholics of Ireland complain, or are they  
“ rationally entitled to impute to their own govern-  
“ ment, views either illiberal or unwise, when they  
“ demand securities from them, not greater than  
“ states, purely roman-catholic in their structure,  
“ have required? If the sovereigns of Russia, and  
“ Prussia, claimed not only the right of excluding  
“ all briefs or rescripts from the see of Rome, not  
“ previously submitted to the temporal authority  
“ of the respective states; if *they* further assumed  
“ —(if not with the formal sanction of the sove-  
“ reign pontiff expressed in a concordat, yet cer-  
“ tainly with his full and cordial acquiescence in  
“ giving effect to the appointments made),—the  
“ direct and positive nomination to all the roman-  
“ catholic sees, within their dominions;—if regu-  
“ lations, similar in principle, have prevailed in  
“ protestant states, popular in their form of go-  
“ vernment;—shall it be imputed as a demand,  
“ unreasonable, on the part of the crown of Great  
“ Britain, not actually to nominate, but to have the

“ power of excluding persons from the exercise of  
“ the episcopal functions, in whose loyalty his  
“ majesty cannot confide?—Shall all the roman-  
“ catholic subjects in Europe, cheerfully confide  
“ such power, in their respective governments?—  
“ Shall the head of the roman-catholic church  
“ himself, acknowledge such powers, not only in  
“ all the roman-catholic sovereigns in Europe, but  
“ in the monarch of the Greek church, in Russia,  
“ and in the protestant monarch of Prussia ; and  
“ yet refuse to the king of these realms a much  
“ more limited interference? That such repug-  
“ nance would have been found in the late or  
“ present pontiff, when in possession of their per-  
“ sonal liberties, has always been denied by persons,  
“ most competent to answer for their sentiments.  
“ Does it then become the Irish roman-catholics  
“ to raise difficulties on this head? Does it become  
“ their titular bishops, after all that has passed on  
“ this subject, to object? They ought to recollect  
“ that their church, being a strictly papal church,  
“ peculiarly warrants the state in such a demand.  
“ The roman-catholic church in Ireland, from  
“ causes already alluded to, never has vindicated  
“ its own liberties against the see of Rome ; it has  
“ no concordat ; it has no domestic rights expressly  
“ secured. The pope has, on many occasions, re-  
“ jected the recommendations of their bishops to  
“ vacant sees, and substituted direct nominations,  
“ from himself, in their room. In short, it may be  
“ asserted, founding their discipline and church  
“ government principally on the canons of the



“ council of Trent, a council which pointedly saved  
“ to the see of Rome all its rights and privileges,  
“ in the most extended and objectionable sense,  
“ and which has never been acknowledged in  
“ points of discipline, by the Gallican and other  
“ free churches, that the Irish church is, at this  
“ day, one of the most dependent in Europe; and  
“ that in which the power of the pope has the  
“ most unqualified sway.

“ It is impossible that the roman-catholics of  
“ Ireland should, upon reflection, gravely deter-  
“ mine to stand on such grounds, when they come  
“ to solicit constitutional privileges, and political  
“ confidence. Do they mean to describe them-  
“ selves as such separatists from the whole body  
“ of the roman-catholics in Europe, that, consist-  
“ ently with the principles of their religion, they  
“ cannot enter into any connection with the state,  
“ under which they live? In the discussion of the  
“ mutual confidence, that might be expected here-  
“ after to prevail, many new points may suggest  
“ themselves for candid consideration; but, can  
“ there exist any question upon points, long since  
“ settled, and understood, by the practice of every  
“ liberal roman-catholic in Europe?—If such pre-  
“ tensions are persevered in, the inference must be,  
“ not that the roman-catholic religion itself is the  
“ obstacle, but that the belief and practice of it,  
“ as, at this day, prevalent in Ireland, is the im-  
“ pediment.—Are the roman-catholics prepared  
“ for such an avowal?

“ If they are, it appeared to him, that they must

“ wait till better times and better notions prevail  
“ on their part, before they can hope to urge their  
“ claims with any prospect of success. With such  
“ sentiments, political incorporation can never lead  
“ to peace and union. Upon such principles, con-  
“ cession was never contemplated by Mr. Pitt;  
“ nor, as he believed, by any of those, who acted  
“ with him at the time of the Union. *They were*  
“ *prepared to give the roman-catholics the most un-*  
“ *qualified securities, for the exercise of their reli-*  
“ *gion*; their wish was, to see the ministers of the  
“ roman-catholic communion, without prejudice  
“ to the established religion, decently endowed.  
“ They had no desire to interfere with the disci-  
“ pline of the roman-catholic church, so far as it  
“ regarded matters of worship; but in so far as it  
“ concerned the appointment of their clergy, espe-  
“ cially the titular bishops, and more particularly  
“ the intercourse of the roman-catholic body with  
“ the see of Rome, they desired to see it brought  
“ under such regulations, as, without imposing  
“ any degrading dependence upon the crown,  
“ might dissipate the impression of alarm, natu-  
“ rally arising from the secret exercise of a fo-  
“ reign influence within these realms.—By secret,  
“ he did not mean to insinuate, that it had not  
“ been innocently exercised in latter times;—by  
“ the two latter pontiffs, he believed it had been,  
“ not only innocently, but most virtuously admi-  
“ nistered, and with the most friendly views, both  
“ to the interests of the state, and the preservation  
“ of internal peace; but no such covert interference

“ ought to prevail in any country ; and it ought  
“ to be the wish of the roman-catholic body, as  
“ much as of the protestant, that its operations  
“ should be undisguised, and be submitted openly  
“ to the inspection of the temporal power.

“ Lord Castlereagh proceeded to argue on the  
“ compatibility of such a modified endowment of  
“ the clergy of a dissenting sect, with the preser-  
“ vation of the established church, in all its rights  
“ and privileges. He instanced the advantages,  
“ which had been derived from a similar provision,  
“ which had long been enjoyed by the presbyte-  
“ rian clergy ; but especially from the regulations,  
“ under which that endowment had been lately  
“ extended. He adverted to a similar extension  
“ of royal benevolence to the roman-catholic clergy  
“ in Scotland, which took place, with the grate-  
“ ful acknowledgments of the late pope Pius the  
“ sixth, in the year 1798. He pointed out, that  
“ the adoption of such a measure of indulgence to  
“ the two ancient sects, whose numbers and weight  
“ in the empire made them objects of permanent  
“ regulation, did not countenance any claim in the  
“ various and fluctuating sectaries of the present  
“ day to similar favour and protection, which could  
“ not fail to be productive of the greatest evils, as  
“ tending to encourage religious separation. He  
“ instanced the case of Scotland, where the epis-  
“ copal church was endowed by the state, without  
“ prejudice to the established presbyterian reli-  
“ gion ; and contended that, so far from endan-  
“ gering, such a system was calculated to strengthen

“ the established church, by tranquillizing Ireland,  
 “ and by placing the clergy of the most numerous  
 “ sect in a more friendly relation to the state.

“ In this view, he farther argued against the idea,  
 “ that any additional evil or difficulty arose from  
 “ the existence of the roman-catholic religion in  
 “ an episcopal form in Ireland. On the contrary,  
 “ he was of opinion, that the power and authority  
 “ incident to bishops was, in itself, pro tanto, a  
 “ salutary reduction of the external authority of  
 “ the see of Rome ; and, on this ground, however  
 “ the assumption of the titular character might  
 “ excite some degree of uneasiness, he much pre-  
 “ ferred the ministry of bishops to that of apostolic  
 “ vicars, who were mere missionaries, removable  
 “ at pleasure, and obliged explicitly to obey all  
 “ orders from Rome.”

LXXXVI. 6.

May 1805.

*First mention of the Veto in the House of Commons in  
 Sir John Cox Hhipisley's Speech.—Division on that  
 Debate.*

THE negotiation between the roman-catholic prelates and lord Castlereagh was known to few. *The first public mention of a Veto* appears to have been made by sir John Cox Hhipisley, in his speech in the house of commons, in the debate, on the 13th of May 1805, on the petition of the roman-catholics of Ireland.

On that day, Mr. Grattan moved, in the house of commons, that the house should resolve itself

into a committee of the whole house, to take into its consideration, the petition of the roman-catholics of Ireland. In the debate on this petition, Dr. Duigenan spoke, at considerable length, against the motion. Mr. Grattan and sir John Cox Hippisley rose, at the same time, to reply. The latter gave way; and it was not till late in the debate, that sir John had an opportunity of addressing the chair. He confined himself to the statement of a few important facts, and afterwards printed the substance of what he said, and also of what he intended to say, if an opportunity had occurred of delivering, at length, his sentiments on the subject\*.

His publication contains the following passage:—

“ Much as I am disposed to favour the objects of the  
 “ petition before the house, and much as my feelings  
 “ are abhorrent from the penalties of the act to  
 “ which I have just now adverted, (13 Eliz. c. 2),  
 “ I am by no means adverse to the principle that  
 “ gave birth to them. I would wish to be con-  
 “ sidered as not less jealous of a foreign inter-

\* The title of the publication is, “ The substance of additional Observations intended to be delivered in the House of Commons, in the debate on the petition of the roman-catholics of Ireland, on the 13th of May 1805, with Notes, and an Appendix, containing letters from Dr. Troy, titular roman-catholic archbishop of Dublin; Dr. Moylan, titular roman-catholic bishop of Cork; and Dr. Milner, F.S.A. V.A. and other documents connected with the objects of that Petition. By Sir J. C. Hippisley, LL.D. F.R.S. Recorder of Sudbury, and a Bencher of the Honourable Society of the Inner Temple.”

“ference and abuses, than our ancestors were in  
 “the days of Edward the third and Richard the  
 “second, from which period the statutes of *provi-*  
 “*sors* and *præmunire* take their date : and, though  
 “my view of the subject, with respect to the mis-  
 “chief to be apprehended from the admission of a  
 “foreign primacy in spirituals, is very different  
 “from those in general who oppose the present  
 “question, I will meet them in a wish to institute  
 “a solid and rational barrier against any possible  
 “encroachment of the see of Rome, in the place of  
 “those visionary guards, which counteract their  
 “own purposes, from their sanguinary tendency.

“By instituting regulations to this end, we shall  
 “be countenanced by the practice of, I believe,  
 “every European state, catholic or protestant;  
 “and the noble viscount, who conducted the ar-  
 “rangements at the Union, will do me the justice  
 “to recollect, that I urged the adoption of such  
 “regulations, as I would now propose, when the  
 “catholic subject was known to have occupied  
 “much of the attention of the king’s ministers,  
 “and the exemption of the Irish roman-catholics  
 “from the remaining disabilities, (as avowed by  
 “my honourable friend, then in the cabinet), was  
 “the principal object of those, who concurred with  
 “the measure of the Union\*.

“The repeal of the 13th of Eliz. c. 2, I then  
 “stated, as necessarily enjoined by the purview of  
 “the act of the 31st of his present majesty, c. 32;  
 “and in lieu thereof, I proposed the enacting, that

\* “Vide Mr. Windham’s Speech.”

“ no bull, nor other papal rescript, containing any  
“ ordinances of the see of Rome, should be circu-  
“ lated or published, till after it had been trans-  
“ mitted to one of his majesty’s secretaries of state,  
“ or some other appointed officer ; and, in certain  
“ cases also, be laid before his majesty’s privy coun-  
“ cil, if thought expedient ; to which such prelates,  
“ as were of the council, should be specially sum-  
“ moned. If, on due examination, those instru-  
“ ments contained only the ordinary faculties or  
“ regulations of internal discipline, they should be  
“ certified, without delay, by the officer appointed,  
“ as containing nothing contrary to the establish-  
“ ment in church or state. A regulation of this  
“ description might, with facility, be so modified,  
“ as to give perfect satisfaction to his majesty’s  
“ roman-catholic subjects, by avoiding all unne-  
“ cessary and vexatious interference or delay, and,  
“ at the same time, to afford complete security to  
“ the establishment.

“ Another regulation, suggested at the same pe-  
“ riod, was, that any roman-catholic priest or school-  
“ master, applying to be licensed under the act of  
“ the 31st of the king, should, in addition to the  
“ oath of allegiance therein prescribed, produce a  
“ certificate from the immediate superior, if a priest,  
“ or from some known respectable person, if a lay-  
“ man, attesting his good moral character, and at-  
“ tachment to the civil constitution of the state ;  
“ which certificate should be authenticated by the  
“ nearest resident magistrate ; and, in consequence  
“ of which, the license should then be granted, as

“ in the manner now directed. As the law now  
“ stands, any priest or schoolmaster, merely on  
“ his own avowal, however notoriously bad his  
“ character may be, provided he scruple not to  
“ take the oath, may demand a license, on paying  
“ one shilling for his certificate. It is unnecessary  
“ to observe, that the law is not so loose with re-  
“ spect to the clergy and schoolmasters, professing  
“ the established religion, in view to those func-  
“ tions : testimonials and certificates are required  
“ qualifications.

“ And further, with respect to the statute of the  
“ 13th of Eliz. :—by not enforcing its provisions,  
“ which we are constrained to connive at, from their  
“ excess of severity, we tacitly permit the circula-  
“ tion of every sort of papal instrument, without  
“ resorting to those safeguards, which other states,  
“ as I have observed, have wisely instituted. Those,  
“ who are apprehensive, that the rescripts of the  
“ Thuilleries may be occasionally imposed upon us  
“ in the guise of decretals of the Vatican, will ne-  
“ cessarily be alive to the possible abuse of a want  
“ of some rational and practical restriction.

“ The restrictions, to which I allude, are in strict  
“ conformity to the provident institutions of the old  
“ Gallican church, ever jealous of the encroach-  
“ ments of Rome. Her privileges depended on  
“ two prominent maxims :—1st, That the pope had  
“ no authority to order or interfere in any thing,  
“ in which the civil rights of the kingdom were  
“ concerned :—2dly, That notwithstanding the  
“ pope’s supremacy was acknowledged in cases



“ purely spiritual, yet, in other respects, his power  
 “ was limited by the decrees of the ancient coun-  
 “ cils of the realm. The supreme council of Pro-  
 “ vence, in the year 1482, decreed, ‘ That no letters  
 “ coming from foreign jurisdictions, though only  
 “ in spirituals, should be executed without the rati-  
 “ fication of the court.’ In consequence of these  
 “ recognised principles, it was provided, that every  
 “ rescript from Rome should be presented to one  
 “ of the courts of parliament; where it was ex-  
 “ amined, lest it should contain any thing hostile  
 “ to the privileges of the Gallican church, and the  
 “ temporal rights of the crown. It afterwards be-  
 “ came current, under a certificate, as a matter of  
 “ mere ecclesiastical discipline.”

By this speech, the arrangement of the veto was  
 first brought before the public; but it mentioned it  
 only in very general terms; little more respecting  
 it was intimated, than that it should be formed on  
 the model of the legislative provisions of France  
 against papal encroachments; and that it was to  
 supersede altogether, the sanguinary provisions,  
 enacted, ostensibly at least, for that purpose, by  
 queen Elizabeth and her parliaments.

LXXXVI. 7.

1805——1808.

*The Approbation given by the Irish Prelates to Sir John  
 Cox Hippisley's Speech, and their earnest Request to him  
 that he would print it.*

In various publications, sir John Cox Hippisley  
 has repeatedly stated, that he sent copies of *this*

*substance* of his intended speech to Dr. Troy, Dr. Moylan, Dr. Milner, and some other catholics of distinction ; that Dr. Troy returned his copy to sir John, with some corrections, and verbal emendations ; but, without the slightest remark or observation on the passages, we have extracted from it, as suggesting the veto ; that, in his letters to sir John, Dr. Troy uniformly mentioned the speech, in terms of the highest commendation ; and repeatedly urged, in the strongest language, its republication for general sale ; that Mr. Clinch, the prelate's confidential friend, wrote, by his desire, a letter to sir John, to inform him, that “ his “ speech had been very generally read, by intelligent and prudent persons ;” and that “ the wish “ of all those, who had read it, was, that sir John “ might be prevailed on to publish it, or to allow “ it to be printed in Ireland ;”—that Dr. Milner, to whom also sir John Cox Hhippsley sent his publication, equally approved it, and equally solicited its extensive circulation : that Dr. Milner also informed sir John, that, “ in Ireland, there were the “ highest encomiums of his speech ;” that “ they “ waited there for his permission to reprint it :” That he repeatedly mentions Dr. Troy's desire to have it printed ; and called it an “ admirable “ speech :”—That, in the copy, which he received from sir John, and afterwards returned to him, he made two alterations only :—That, by those, he suggested an exception to the inspection of papal bulls and rescripts, in cases of *the penitentiary, or forum internum* :—That with this, lord Castle-reagh, as the reader has seen, disclaimed every

kind of interference : and finally, that, in 1808, Dr. Milner published *four long and elaborate letters* in its vindication.

Sir John Cox Hippisley has also informed the public, that he printed one thousand copies of his speech ; that they were not sold, but generally distributed ; and that sixty copies of it were sent to Dr. Troy, and distributed by him.

The petition of the Irish catholics in 1805, was presented to the house of lords by lord Grenville. On the 10th of May, he moved for its being taken into consideration :—On a division, the numbers appeared,

Contents	-	-	-	49
Non-contents	-	-	-	178
				<hr/>

Majority against the motion - 129.

On the 13th of May, a similar motion was made by Mr. Grattan in the house of commons :—On a division, the numbers appeared,

For it	-	-	-	124
Against it	-	-	-	336
				<hr/>
Majority	-	-	-	212.

LXXXVI. 8.

May 1808.

1. *The Proposal of the Veto, in the House of Commons, by Mr. Ponsonby;—*
2. *And in the House of Lords, by Lord Grenville, at the suggestion of Dr. Milner.*

1. THE Irish roman-catholics having presented a petition to each house of parliament for the

repeal of the penal laws in force against them, Mr. Grattan, on the 25th of May 1808, moved, in the house of commons, that the house should go into a committee on the petition. He introduced his motion by a speech, of equal splendor and moderation. For the first time, the veto, and the resolutions of the Irish roman-catholic prelates, were now *formally* introduced to the notice of parliament. Mr. Grattan\* explicitly called the attention of the house to them.

*Mr. Pensonby* spoke of them, in the following terms:—"I have heard it asserted," said the right honourable gentleman, "that there has been no alteration of circumstances, since this question was last discussed in parliament. Now, I conceive that there is the greatest alteration of circumstances, that could possibly take place. The catholics have considered amongst themselves, and they determined to give to the government every information upon the subject, and to make their superior clergy subject to the crown. When a catholic bishop in Ireland dies, the other bishops in that province, in which the diocese of the deceased is situated, meet, and conferring amongst themselves, fix upon three persons, whom they think the most fit to succeed him. They send those names to receive the approbation of the pope; for, according to the catholic faith, it is impossible for certain offices to be performed but by appointment from the pope, as if by the immediate delegation of Christ himself.

\* See the Debates on the catholic question in 1808.

“ Now, they have agreed, when the names are re-  
“ turned, to send them to the lord lieutenant of  
“ Ireland ; and, if he should object to all the three,  
“ they strike them out, and send other three in  
“ their stead, until the king’s approbation of some  
“ one of them be received. Even then, they send  
“ that name to Rome to receive the approbation of  
“ the pope.”

This part of Mr. Ponsonby’s speech produced a great effect on the house. Adverting to it, Mr. Yorke declared, he was extremely anxious to understand, what Mr. Ponsonby meant by it. “ I have  
“ been always of opinion,” Mr. Yorke said, “ that  
“ the circumstance of the authority of the see of  
“ Rome, (for which the catholics of Ireland feel in  
“ a very particular manner), is a very important  
“ feature in their case ; for the bishops in Ireland  
“ have always been appointed by the pope. Under  
“ these circumstances, I certainly wish to know,  
“ from the authority of that right honourable gen-  
“ tleman, how far this is the fact. I wish to know  
“ what he meant, when he said, that the catholics  
“ of Ireland wished him to say that his majesty  
“ should have a negative on the appointments of  
“ bishops in Ireland ; for I understood the right  
“ honourable gentleman to say, that his majesty  
“ should have a negative. I wish to know, how that  
“ fact stands. I wish to have it clearly stated, and  
“ to know what authority the right honourable  
“ gentleman has to speak on that part of the claim  
“ of the catholics ; and I am the more induced to  
“ put these questions to him, because I do not see

“ any thing like such a statement in the petition on  
“ that subject.”

Mr. Ponsonby replied : “ The right honourable  
“ gentleman is perfectly right in saying that the  
“ subject, to which he has alluded, is not stated in  
“ the petition ; but my authority is derived from  
“ several of the most respectable catholics in Ire-  
“ land. I have had conversation with Dr. Milner,  
“ one of the catholic bishops in this country, ap-  
“ pointed to act here for the catholic bishops. He  
“ informed me, that such is the determination ; he  
“ believes, that, if the prayer of their petition be  
“ granted, they will not have any objection to make  
“ the king, virtually, the head of their church ; for,  
“ so I think he must become ; and that no man  
“ shall become a catholic bishop in Ireland, who  
“ has not received the approbation of his majesty ;  
“ and that, although even appointed by the pope,  
“ if disapproved of by his majesty, he shall not  
“ be allowed to act or take upon himself his spiri-  
“ tual functions ; and thus in succession, if his  
“ majesty choose to object to any bishop, to the  
“ third, fourth, or fifth nomination, and to every  
“ one, as he shall please, until one shall be ap-  
“ pointed that meets his majesty’s approbation, and  
“ that bishop,—and that bishop only, to receive  
“ full power.”

Mr. Yorke asked “ if the right honourable gen-  
“ tleman received authority to make this communi-  
“ cation, only from Dr. Milner, or from the body  
“ of the catholics ?”

Mr. Ponsonby replied, “ that he had stated that

“ Dr. Milner did represent the catholic prelates of  
“ Ireland ; and that he had given to the house, the  
“ assurance which Dr. Milner had given him.”

In the debate in the house of commons, in 1810, on the petition of the Irish catholics\*, Mr. Ponsonby produced and read to the house, *the very note received by him from Dr. Milner*, which, so far as respects the veto, is expressed in the following terms :—“ Dr. Milner presents his respectful compliments to the right honourable Mr. Ponsonby, and takes the liberty of *stating distinctly in writing*, the substance of what he did say, or did intend to say, in the conversation, which he had the honour of holding with Mr. Ponsonby.

“ The catholic prelates of Ireland are willing to  
“ *give a direct negative power* to his majesty’s government, with respect to the nomination of their titular bishoprics, in such manner, that, when they have among themselves, resolved who is the fittest person for the vacant see, they will transmit his name to his majesty’s ministers ; and, if the latter should object to that name, *they will transmit another and another, until a name is presented to which no objection is made ;—and, —(which is never likely to be the case),—should the pope refuse to give those essentially necessary spiritual powers, of which he is the depositary, to the person so presented by the catholic bishops, and so approved by the government, they will continue to propose names, till one occurs, which is agreeable to both parties, namely the crown,*

\* Printed Debates, 1810, p. 137.

*and apostolic see.* It is to be observed, however,  
 “ 1. That the crown does not interfere with the  
 “ concerns of any other religious sect or church,  
 “ which it does not support. 2. That the nomi-  
 “ nators in this business, namely, the catholic  
 “ bishops, *have universally sworn allegiance to his*  
 “ *majesty.*—3. That they will moreover engage to  
 “ nominate no person, who has not taken the oath  
 “ in question.

Dr. Milner then proceeds to make some obser-  
 vations on the clauses in the catholic oath respect-  
 ing the protestant succession; the practice of forcing  
 catholic soldiers and sailors to attend divine ser-  
 vice in the protestant church. He then reminds  
 Mr. Ponsonby, that, “ he was so good as to say,  
 “ that he would disclaim, in the name of the ca-  
 “ tholics of Ireland, the civil and religious code of  
 “ Thomas Paine, which they had been accused, in  
 “ the newspapers at least, of teaching and holding.”  
 He concludes in these words,—“ Dr. Milner has  
 “ not, of course, had an opportunity yet of consult-  
 “ ing with the catholic prelates of Ireland on the  
 “ important subject of the catholic presentation;  
 “ but *he has every reason to believe*, they will cheer-  
 “ fully subscribe to the plan traced out in the first  
 “ page of the note.”

2. On the 27th of May 1808, *lord Grenville*  
 moved the petition of the Irish roman-catholics  
 in the house of lords. On the negotiations be-  
 tween the Irish roman-catholics and lord Castle-  
 reagh in 1799, lord Grenville expressed himself in  
 the following terms. The reader will perceive,



that they perfectly correspond with the account given of them by lord Castlereagh in his speech of 1810, with a full extract of which we have presented our readers.

“ Much has been said elsewhere,” (said lord Grenville), “ of the influence of their bishops; and, “ in a former debate, even in this house, great stress “ was laid on the dangers of a catholic hierarchy. “ If you tolerate the catholic church, which is epis- “ copal, you must of course allow it to have its “ bishops. But, it is unquestionably proper, that “ the crown should exercise an effectual negative “ over the appointment of the persons, called to “ those functions. To this, the catholics of Ire- “ land declare themselves perfectly willing to ac- “ cede. The precise mode of giving effect to the “ principle, will best be settled by the wisdom of “ parliament. It is fit matter for discussion in such “ a committee as I propose. The declaration of “ the catholics on this subject is an unquestionable “ proof of their solicitude to meet the kindness of “ their fellow-subjects, and to accede to any prac- “ tical means of removing even the most ground- “ less jealousies. As such, I rejoice that it has been “ made, and I see with infinite satisfaction the just “ impression which it has universally produced. “ To me it is not new. I always felt the propriety “ of providing for this point. The experience of “ other countries proved both its expediency and “ its practicability. It formed a part of the plans “ intended to be brought forward at the period of “ the Union; and what we then knew of the senti-

“ ments of the catholics, respecting it, left no doubt  
 “ upon our minds that the matter might be easily  
 “ and satisfactorily adjusted. Provision was also  
 “ intended to be made for the decent and necessary  
 “ subsistence of the catholic clergy of that country.  
 “ More than that they did not ask ; and even that  
 “ they were unwilling to receive in any manner  
 “ that might tend to separate their cause from that  
 “ of their community\*.”

It may not be improper in this place to subjoin, what lord Grenville said in this speech, on the nature of the spiritual supremacy of the king of England in spiritual concerns. “ We are often told,” (his lordship said), “ that catholics refuse to acknowledge the same obedience to their sovereign,

\* The writer was in the house of lords when lord Grenville made this speech, and till that time had not heard of the veto. Having soon afterwards occasion to write to lord Grenville on other business, he took the liberty to inquire from his lordship, on what authority he had made the declaration, which has just been copied. His lordship replied by a letter, now in the custody of the writer : it contains the following passage ; which, with his lordship’s permission, he presents to his readers.

“ Sir,

“ Camd. House, Feb. 4, 1809.

“ What I said in the house of lords on this matter, as connected with Ireland, I spoke from a paper in Dr. Milner’s  
 “ hand-writing, which is still in my possession, and to the  
 “ words of which I carefully adhered. Dr. Milner, who heard  
 “ me, came to me the next day for the express purpose, as he  
 “ said, of expressing to me his satisfaction in what I had said ;  
 “ and in a printed paper, dated, I believe, on that or the following day, which he drew up for private circulation, he  
 “ expresses the same sentiment as to my speech on this point.

“ I am, dear sir, most truly yours,

“ Grenville.”

“ which he receives from all his other subjects.  
“ The charge is wholly groundless. They recog-  
“ nise, as you do, in the civil government of their  
“ country, all temporal power and authority. Their  
“ uniform and repeated declarations, the pledges  
“ they have already given, the oaths they have  
“ already taken, ought to satisfy you fully on this  
“ head. If more security be necessary, let it be  
“ exacted; but let your measure apply only to that,  
“ for which it professes to provide,—the authority  
“ of your sovereign and the security of your govern-  
“ ment. The oath, as it now stands, includes a  
“ question of spiritual supremacy, foreign to those  
“ objects. *The church of England itself does not*  
“ *acknowledge any such supremacy in the crown.*  
“ *The king, acting by the councils, and exercising*  
“ *the powers which the laws have given him, is in-*  
“ *deed in all matters, ecclesiastical or temporal, su-*  
“ *preme. But he is so as a civil magistrate only.*  
“ *He is not the spiritual head; he is not, if I may*  
“ *so express it, the pope of the church of England.*  
“ *Such a claim was indeed once maintained by the*  
“ *capricious despotism of a prince, whose wildest*  
“ *imagination it was not always safe to resist. But*  
“ *the wise and virtuous men who laid, after his de-*  
“ *cease, the true foundations of our church, admitted*  
“ *no such authority in their sovereign. It exists*  
“ *not, therefore, in the church of England. Of the*  
“ *other established church of this united kingdom,*  
“ *the king is not, in any sense whatever, acknow-*  
“ *ledged as the head. The same temporal obe-*  
“ *dience, which both these protestant churches pay*

“ to their sovereigns, the catholics acknowledge  
“ also. In all matters of civil government, even of  
“ that mixed nature in which ecclesiastical and  
“ civil jurisdictions are combined, they submit  
“ themselves, without reserve, to the supreme au-  
“ thority of the king, in his parliament, as legisla-  
“ tor;—in other councils, as civil governor of this  
“ empire. In the spiritual head of their church,  
“ they acknowledge, as all the subjects of this realm  
“ formerly acknowledged, a spiritual authority con-  
“ fined to questions of faith. The Reformation has  
“ taught us, that for that spiritual authority there  
“ is no warrant in the principles of our religion.  
“ But this is a question purely of religious belief;  
“ in no degree affecting that absolute duty and  
“ undivided allegiance, which our catholic fellow-  
“ subjects, in common with ourselves, owe and pay  
“ to the person and government of their sovereign.  
“ In a committee, you may place this matter in its  
“ true light, and bring it to the unerring test of  
“ experience. With that view, it was intended, at  
“ the period to which I have so often referred, to  
“ submit to parliament, *in lieu of the oath of supre-*  
“ *macy, framed, as we all know, for the purpose of*  
“ *exclusion*, a new form of oath, calculated to unite,  
“ not to divide, our people. That oath would have  
“ contained an explicit pledge of support to the  
“ established constitution, and the most express dis-  
“ claimer that could be devised, of any interference  
“ with his majesty’s legitimate and undoubted sove-  
“ reignty. Whatever words may be most effectual  
“ for this purpose, let them be adopted : provide

“ the fullest security, that jealousy itself can dictate,  
 “ for that which we are all equally anxious to de-  
 “ fend ; and let it then be seen, whether the catho-  
 “ lics in Ireland are reluctant to concur in such  
 “ declarations.”

## LXXXVI. 9.

*Continued adherence of the Irish Prelates, to their Resolu-  
 tion in 1799, until their meeting in September 1808.*

THE effect produced in favour of the catholic cause, by what was said in both houses of parliament of the willingness of the catholic prelates of Ireland to accede to the veto, was very great: even their most determined adversaries seemed to consider that it had gained them their cause. This was the general language within the walls of parliament:—the first expression, which any catholic heard, from his protestant acquaintance, on the following day, was a congratulation on the turn of the debate, and the event which occasioned it.

The Irish prelates distinctly expressed to many, their approbation of what had been said on the veto, by their parliamentary advocates; and a considerable time elapsed before the slightest murmur against it was heard.

“ The debate in the house of commons,” says sir John Hippisley\*, “ took place on the 25th  
 “ May 1808; and in a few days the report of it  
 “ reached Dublin. Those parliamentary friends,  
 “ who had been advocates of the measure, received  
 “ deliberate acknowledgments of their efforts, and

\* Substance of his speech in the debate in 1808.

“ thanks in the name of the roman-catholic prelaey  
“ in Ireland.

“ Till towards the end of the following July, not  
“ a word escaped, to lead their parliamentary friends  
“ to doubt that the same impressions continued in  
“ the minds of those, who, from their stations, must  
“ naturally have been considered as the most pro-  
“ minent to object or approve,”

Mr. Ponsonby, in his speech in the same debate, mentioned, that, “ subsequently to his having in-  
“ formed the house, on the authority of Dr. Milner,  
“ of the willingness of the Irish roman-catholic  
“ prelates, that the crown should have the negative  
“ powers in question in the appointment of their  
“ bishops, he, (Mr. Ponsonby), had received letters,  
“ on the subject, from two of those prelates, thank-  
“ ing him for what he was supposed to have said  
“ on the subject. One was from an archbishop ;”  
he read it to the house, and it contained, (in the language of the reporters of that debate), the most unqualified approbation of the arguments and observations which had been used by Mr. Ponsonby. The other letter thanked him only in general terms\*.

In reply to Mr. Ponsonby's explanation, Mr. Perceval expressed himself in these terms :—

“ I have great satisfaction in finding that the  
“ honourable gentleman and his noble friend,—two  
“ individuals whose characters unquestionably stand  
“ very high in the public regard,— have not been

\* Debates on the Petition of the Roman-catholics in 1808, p. 140.

“ convicted of grossly and foully imposing upon  
“ the house, and the public, by holding out falla-  
“ cious motives to endeavour to induce parliament  
“ to adopt a course of conduct which, under other  
“ circumstances, there could not have been the  
“ slightest doubt of their rejecting. If I have any  
“ fault now to find with the conduct of the right  
“ honourable gentleman upon this point, it is with  
“ his forbearance from explanation for so long a  
“ period ; and that for nearly three years he has  
“ suffered the house and the country to remain in  
“ error on a subject so seriously involving his own  
“ conduct, and upon which the house and the  
“ country ought long since to have been unde-  
“ ceived. The public had a deep interest in this  
“ explanation, and they ought to have had it be-  
“ fore. The public ought to have been enabled  
“ to see in its proper colours the conduct of that  
“ reverend gentleman, who was so long suffered  
“ to enjoy a character with the public, to which the  
“ right honourable gentleman’s statement has now  
“ shown, that that reverend gentleman is so ill en-  
“ titled. It is curious to observe the shuffling and  
“ duplicity of the reverend gentleman ; sometimes  
“ defending, and sometimes impeaching the con-  
“ duct of the right honourable gentleman : of late,  
“ indeed, he says little in his defence, but much in  
“ his accusation. It is difficult to account for the very  
“ confident assertions he has lately made even in  
“ print, unless he could be supposed to have totally  
“ forgotten the strong grounds of defence which  
“ he himself had placed in the power of the right

“honourable gentleman; unless he had forgotten  
 “the contents of that paper, which the right  
 “honourable gentleman has just read, to the exist-  
 “ence of which, even when he so distinctly alluded  
 “to the subject, he must have forgotten.”

Mr. Whitbread, after defending Mr. Ponsonby against these taunting expressions of Mr. Perceval, said,—

“I must not forget Dr. Milner, who, if he had  
 “been created for the purpose of sowing dissension  
 “amongst the catholics themselves, and unfounded  
 “distrust of their friends, could not have succeeded  
 “better than he has done. I think even the chan-  
 “cellor of the exchequer must have been pleased  
 “with the honest triumph of my right honourable  
 “friend over that reverend divine. I was not a  
 “little gratified by the pompous introduction of  
 “the charges against my right honourable friend,  
 “by the secretary of state: had my right honour-  
 “able friend stationed him there, and directed  
 “him to play a part for stage effect in his favour,  
 “it could not have been done more entirely to his  
 “wish.”

#### LXXXVI. 10.

#### *The Opposition in Ireland to the Veto.*

THE debates in parliament, on the petition of the Irish roman-catholics, took place in the close of the month of May 1808. Towards the end of the following month of July, *the attack upon the veto* commenced in the public prints. It was led



by a writer, who assumed the signature of *Sarsfield*; he was followed by *Laicus, Inimicus Veto*, and many other writers, under assumed signatures: others published their declamations against it under real names. By them all, the true nature of the veto was much misrepresented; and, in consequence of their misrepresentation, much discontent at it prevailed.

LXXXVI. 11.

July 1808.

*Dr. Milner's Advocacy of the Veto, in a pamphlet intituled "A Letter to a Parish Priest."*

IN Dr. Milner, the veto found both an able and a zealous advocate. In a pamphlet, called "*A Letter to a Parish Priest*," which, for power or solidity of argument, has been seldom equalled, he explained, with equal precision and energy, the nature of the veto, and its accordancy with the discipline of the church.

He produced in it repeated instances in which such a measure had been solemnly sanctioned by the see of Rome; and he displayed, with great eloquence, the motives of religion and honour, by which the prelates were, in his opinion, called upon to adhere to it, and the inconvenience to which the retractation of it would expose them. Lord Castlereagh's speech and this letter are the most important documents in the whole controversy respecting the veto.

It is dated the 1st of August 1808. "I pro-

“ceed,”—(we cite the prelate’s words),—“to show  
“upon what grounds I rested my opinion, that the  
“Irish prelates, in the event of a friendly ministry  
“succeeding to power, and of the emancipation  
“being granted, would not hesitate, under the  
“presumed sanction of his holiness, to admit of  
“a limited power of exclusion in the executive  
“government.

“The first of these grounds is the actual con-  
“sent which they, (that is, the four metropolitans,  
“and six of the most ancient bishops), speaking  
“in the name of the whole episcopal body, have  
“actually given to the proposed measure in their  
“solemn deliberations, held at Dublin on the 17th,  
“18th, and 19th of January 1799. In these deli-  
“berations,—having premised the justice and pro-  
“priety of the interference of government in the  
“appointment of catholic bishops, as far as is ne-  
“cessary to ascertain their loyalty,—they resolve  
“as follows ;”

*[The resolutions of 1799, are then transcribed  
by Dr. Milner.]*

“With respect to these resolutions, I have to  
“observe,—1st. That they are in the hands, I be-  
“lieve, both of ministry and opposition, and are  
“considered by both, as binding upon the episco-  
“pal body :—2dly. That the exclusive power  
“itself, or the right of the veto, is not less expli-  
“citly offered in them, than it is mentioned in my  
“negotiations :—3dly. The necessary checks upon  
“this veto are not so distinctly expressed in the  
“former as they are in the latter.”

Again,—“ In almost every uncatholic country,  
 “ means are provided, and care is taken, both by  
 “ those, who have a right to present, and by the  
 “ holy see herself, that no person obnoxious to the  
 “ sovereign shall be raised to the prelacy, within  
 “ his dominions. The sovereigns of *Russia* and  
 “ *Prussia*, will be found to have exercised a power  
 “ in this respect, which far exceeds that, which  
 “ the Irish prelates have offered to his majesty;  
 “ and accordingly, these sovereigns have, each of  
 “ them, an accredited agent at Rome, chiefly for  
 “ the exercise of this power. The king himself  
 “ enjoys it, with the consent of Rome, in the pro-  
 “ vince of *Canada*; the bishop of Quebec not  
 “ being allowed so much as to choose his coad-  
 “ jutor, until the latter has been approved by the  
 “ civil governor:—4thly. *Whatever outcries of the*  
 “ *church being in danger may have been raised by*  
 “ *ignorant or violent catholics, in Ireland, I chal-*  
 “ *lenge any learned divine, or other writer, to show*  
 “ *that the allowance to government, of an exclusive*  
 “ *power in presenting to catholic prelacies, if con-*  
 “ *fined to three times, and accompanied each time*  
 “ *with the avowal of a well-grounded suspicion of*  
 “ *the candidate's loyalty, contains any thing either*  
 “ *unlawful in itself or dangerous to the church.*”

The learned prelate then proceeds to assign the grounds of his opinion, and afterwards *deprecates the outcry, that the rights of their church were about to be surrendered, and the king's ecclesiastical supremacy over it acknowledged.*

“ But, since the opinion,” (he continues), “ is

“ founded in *the grossest error*, nothing is so easy  
“ as to dissipate it, by exposing the true state of  
“ facts in opposition to newspaper falsehoods, and  
“ by explaining, in its several parts, the true system  
“ of canonical elections.”

Dr. Milner then proceeds as follows,—“ Should  
“ the prelacy recede from the resolutions, which  
“ they entered into at Dublin, in 1799, I hope they  
“ will be able to vindicate their proceedings and  
“ character, against the numerous and able oppo-  
“ nents of each communion, who will not fail to  
“ attack them on the subject, and harass them for  
“ many years to come. I hope they will provide  
“ answers, and such answers, as may be defended  
“ against men of talents, to the following ques-  
“ tions, which will incessantly be put to them, as  
“ they have in part been already frequently put to  
“ me.”

1. “ The head of the church has allowed a direct  
“ interference and power in the appointment of  
“ bishops, throughout the greater part of the chris-  
“ tian continent, *to a man who has apostatized to*  
“ *mahometanism*; and shall it be deemed unlawful  
“ for our monarch to interfere, in this business, just  
“ so far as it is necessary to ascertain the loyalty  
“ of men, who are to possess such great influence  
“ over his subjects?

2. “ The schismatical sovereign of Russia, and  
“ the heretical king of Prussia, have always been  
“ consulted, in the choice of catholic prelates, for  
“ the vacancies within their respective dominions;  
“ what then hinders the sovereign of the united

“ kingdom from enjoying the same privilege? He  
“ actually possesses more in his American domi-  
“ nions ; is that unlawful here, which is lawful in  
“ Canada ?

3. “ But you have already declared, *after three*  
“ *days solemn deliberation on the subject*, that such  
“ interference of government, in the appointment  
“ of prelates, as may enable it to be satisfied of the  
“ loyalty of the person to be appointed, is just, and  
“ ought to be agreed to ; and that, therefore, the  
“ candidate elected is to be presented to govern-  
“ ment ; and that, if government has any proper  
“ objection against him, the president will convene  
“ the electors and proceed to the election of another  
“ candidate. Such were your decisions, delivered  
“ to government nine years ago, and which have  
“ remained with it ever since, to be acted upon,  
“ whenever circumstances should permit. Do you  
“ break faith with it ?

4. “ Or, is that become false and unlawful now,  
“ which was true, and lawful, then ?

5. “ In a word, will you reject these resolutions,  
“ for the purpose of quieting the alarms of the  
“ nation, and promoting the emancipation, which  
“ you heretofore voluntarily made, in order to  
“ obtain a provision for yourself ?”

“ Such are the objections in part,” (says Dr. Milner) “ which I am confident will be thus held  
“ out against the prelates on every side, should they  
“ retract their decisions. It is wise, sir, to antici-  
“ pate mischief of every kind, in order to guard  
“ against it. *If, on the other hand, the prelates*

“ *should abide by what they have solemnly resolved*  
 “ *upon, they will have nothing more to do, than what*  
 “ *is within their sphere, and what is comparatively*  
 “ *easy to be done ; namely, to enlighten their people,*  
 “ *and show them how grossly they have been imposed*  
 “ *upon, as to facts and reasoning.*”

Dr. Milner has intimated in some of his publications, that his “ *Letter to a Parish Priest,*” was merely a mooted essay ;—and that the “ measure  
 “ of a royal veto was precipitately brought forward  
 “ by Mr. Ponsonby in 1808, as an experiment to  
 “ effect the emancipation.”

Now, whatever might have been the intention of Dr. Milner, that his “ *Letter to a Parish Priest,*” should have the nature of a mooted essay, it certainly does not contain a single expression, or a single intimation to this effect : there is nothing of the mooted kind in its tone, its style, its general import, or its particular phraseology. It has all the vehemence of argument, all the fervor of oratory, all the lofty indignation that announces conviction, and an earnest wish to convince.

*Fervet immensusque ruit.*—HOR.

His Letters to a Prebendary do not sound, either the conviction of the writer, or the wish to convince, in a higher key.

## LXXXVI. 12.

14 September 1808.

*The Declaration of the Irish Prelates, that the Veto was inexpedient.—The Explanation given by the Primate O'Reilly of that Declaration.*

ON the 14th of September 1808, a convention of the Irish prelates met at Dublin, and came to the following resolution :—

1. “ It is the decided opinion of the roman-catholic prelates of Ireland, that it is *inexpedient* to introduce any alteration in the canonical mode, hitherto observed in the nomination of the Irish roman-catholic bishops ; which mode long experience has proved to be unexceptionable, wise, and salutary.

“ That the roman-catholic prelates pledge themselves to adhere to the rules, by which they have hitherto been uniformly guided ; namely, to recommend to his holiness only such persons as are of unimpeached loyalty, and peaceable conduct.”

2. A short time after the prelates passed this resolution, the roman-catholic gentlemen of the county of Louth having addressed a letter to the most reverend Dr. O'Reilly, roman-catholic archbishop of Armagh, requesting to know his opinion of the resolution entered into by the roman-catholic bishops lately assembled at Dublin, respecting the negative, proposed to be given to the crown, in the appointment of roman-catholic bishops ; Dr.

O'Reilly returned an answer, (addressed to viscount Southwell and sir Edward Bellew, as representatives of the roman-catholics in the county of Louth), in which he says, “ *I think, and am certain, that, in forming their resolution, the prelates did not mean to decide, that the admission of a veto, or negative on the part of the crown, with the consent of the holy see, in the election of roman-catholic bishops, would be contrary to the doctrine of the roman-catholic church, or to any practice or usage essentially and indispensably connected with the roman-catholic religion. Candour, however, and truth, oblige me to say, that the declaration, made by the bishops on the above occasion, was dictated by what I long conceived to be a well-founded apprehension, that the concession in question might eventually be attended with consequences dangerous to the roman-catholic religion : Such danger in my mind, and in the opinion of several other prelates, is of a temporary nature, resulting from existing circumstances, though many persons suppose it to arise from the nature of the measure, thus giving to the resolution of the bishops,—a meaning it does not deserve.*”

It must be added, that, some time after the Irish prelates had published their resolution, that the veto was inexpedient, Dr. Milner, their agent, also declared against it : and that, in a letter bearing his signature, and published by him in the *Orthodox Journal*\*, the right reverend prelate pronounced it “ a most infamous bill, the like of which was never

\* *Orthodox Journal* for March 1819.



“ devised by *Cecil*, or *Shaftesbury*, or *Robespierre*  
 “ himself; and which, men, calling themselves  
 “ whigs and patriots, and friends of the catholics,  
 “ hurried through the house of commons for fear  
 “ of its being ‘sifted,’ immediately after the Easter  
 “ recess, to the end of the third reading, and the  
 “ consequent debate upon it. This bill was con-  
 “ trived with a heart and malice which none but  
 “ the *spirits of wickedness in high places*,—men-  
 “ tioned by St. Paul,—could have suggested, to  
 “ undermine and wither the fair trees of the English  
 “ and Irish catholic churches, as effectually as these  
 “ effects have been produced on the heretofore  
 “ flourishing plantation of *Canada*. A feed and cor-  
 “ rupt prelacy was first to be established; through  
 “ them the priesthood was to be overawed and  
 “ bribed (a thousand pounds being provided in  
 “ each island for this purpose), and, by means of  
 “ the clergy, the catholic religion was to be reduced  
 “ to that state of schism, or rather infidelity, which  
 “ is detailed in sir John Hippisley’s Parliamentary  
 “ Reports.”

LXXXVI. 13.

31 January 1810.

*The Conciliatory Resolution of the English Catholics.*

How greatly the acquiescence of the Irish pre-  
 lates in the veto, disposed the public mind in favour  
 of catholic emancipation, has been mentioned:—  
 As soon as their actual rejection of it was known,

it was evident that the mention of it in parliament had, in consequence of this rejection, become the most unfortunate circumstance, which had befallen the catholics, since they had been suitors to the legislature for relief. It may be said, with the greatest truth, that it was a matter of triumph to all the enemies, and a matter of concern to all the friends of catholic emancipation\*. Unhappily there were not wanting those, who too successfully exerted themselves, to keep alive the general irritation, which this wayward event had produced.

While the public mind was in this state, it became necessary for the English catholics to present their petition to parliament. On this occasion, all their friends judged it advisable, that something should be done by them to allay the ferment which the unfortunate circumstance in question had occasioned.

For this purpose, on the 29th of January 1810, a meeting took place between lord Grey and some catholic gentlemen.

His lordship intimated his wish to them, that  
“ the English catholics should annex to their peti-  
“ tion, some general declaration of their willingness  
“ to give any reasonable pledge, not inconsistent  
“ with their religious principles, for the loyalty of  
“ the persons who should be appointed their  
“ bishops.” It was understood, that neither the  
veto expressed in the resolution of the Irish pre-

\* How cruelly our friends were taunted with it in the house of commons appears from the extract (already given, in p. 152) of Mr. Ponsonby's speech, and Mr. Perceval's remarks upon it.

lates, nor any other specific arrangement, was intended ; that the whole was meant to be left at large,—two things being distinctly understood :—  
1st, That the arrangement should be such, as would afford reasonable satisfaction to government, for the political integrity of the person appointed ; and  
2dly, That it should not be inconsistent with roman-catholic faith, or roman-catholic discipline.

With this view, it was proposed, that, as a general expression of what his lordship had in view, the catholics should declare, “ that they were willing, “ whenever an enlarged and liberal system should “ be adopted in their regard, to acquiesce in any “ arrangement, *consistent with their religious prin-* “ *ciples and the discipline of the roman-catholic* “ *church*, which might be deemed expedient, for “ securing the loyalty of the persons thereafter to “ be chosen to the rank or office of bishop.” On considering this proposal, it certainly appeared to all the gentlemen present, that, standing singly, it was perfectly reasonable, and wholly free from objection ; but they feared that some words in it, (those which mentioned securing the loyalty of the elected bishop), might, too easily, be misconstrued into a readiness, on the part of the English roman-catholics, to accede to the specific measure of the veto, which the Irish prelates had then recently declared to be inexpedient ; and might, on that account, be thought inconsistent with the general pledge which the English catholics had given, (and which they held most sacred), to adopt no measure, affecting the general interest of

the two bodies, without the concurrence of their roman-catholic brethren in Ireland.

On the 31st of January, which was only two days after this conference took place, a deputation of catholic noblemen and gentlemen met earl Grey and lord Grenville, at the house of the former: Mr. Windham also attended this meeting. The subject was revived; and it was most distinctly agreed, that no particular reference to the veto, *or to any specific pledge*, was intended; and that the only thing recommended to the English catholics was, “such a general expression of their wishes of mutual satisfaction and security, as existing circumstances made proper, to accompany their petition.” To this there could be no reasonable objection: and it is due to the three illustrious friends of the catholics, to mention, that they felt as strongly as the catholics themselves could do, the propriety of their avoiding the slightest expression, that might commit them with the Irish catholics, on the subject of the veto. With this impression on each side, the following resolution was framed:—

“That the English roman-catholics, in soliciting the attention of Parliament to their petition, are actuated, not more by a sense of hardships and disabilities, under which they labour, than by a desire to secure, on the most solid foundations, the peace and harmony of the British empire; and to obtain for themselves opportunities of manifesting, by the most active exertions, their zeal and interest in the common cause, in which their country is engaged, for the maintenance of

“ its freedom and independence ; and that they are  
“ firmly persuaded, that adequate provision for the  
“ maintenance of the civil and religious establish-  
“ ment of this kingdom may be made, consistently  
“ with the strictest adherence, on their part, to the  
“ tenets and discipline of the roman-catholic reli-  
“ gion ; and that any arrangement founded on this  
“ basis of mutual satisfaction and security, and ex-  
“ tending to them the full enjoyment of the civil  
“ constitution of their country, will meet with their  
“ grateful concurrence.”

At a numerous meeting of British roman-catholics, held on the following day,—(the 1st of February),—the resolution was, with the single exception of the vicar-apostolic of the midland district, unanimously adopted. But it should be observed, that though Dr. Milner did not himself sign it, he recommended lord Clifford, Mr. Weld and Mr. Weld's family to sign it ; that it was actually signed by them on his recommendation, and that the sole reason, which he assigned for not signing it, was his agency to the Irish prelates \*. As the forms of parliament do not admit, that any declaration should be laid before the two houses, which is not in the shape of a petition, the resolution was necessarily cast into that form, and signed by the vicars-apostolic of the London, northern and western districts, and their coadjutors and by about two hundred of the principal roman-catholic noblemen, gentlemen and clergy.

\* See Dr. Poynter's " Apologetical Letter," in the Appendix, Note I.

On the 23d of the same month of February, this petition, with that which had been signed before by the general body of the English catholics, was presented to the house of lords by earl Grey ; and, a few days after, both petitions were presented to the house of commons by Mr. Wyndham.

In this single circumstance, the part which the English roman-catholics,—or any individual of their communion, took in the veto,—began,—with this, it ended.

The writer must add,—(and, for the truth of what he asserts, he invokes the testimony of every person who was present at either of the meetings),—that the English catholics on the one hand, and their two illustrious friends on the other, were most anxious to frame the resolution in such terms, as should not be thought objectionable by the Irish, or the venerable prelates of Ireland.

The propriety of this resolution became a subject of controversy :—but it is beside the subject of these pages to enter into any detail of the disputes to which it gave rise.—We leave the language of the resolution to speak for itself :—It is a mere general expression of good humour,—of a wish that the business of catholic emancipation should, and of a belief that it might be settled, to the satisfaction of both parties ;—it neither proposes, nor even hints at any particular measure,—it leaves every thing entirely open to future discussion and arrangement.—Whatever might primarily, or intermediately, or ultimately, be proposed by government, if it contained a single iota “ inconsistent

“with the strictest adherence to the tenets or discipline of the roman-catholic religion,” the catholic, who subscribed the resolution in question, might most honourably, most conscientiously, and most consistently, refuse it:—all he would have to say, was, *Non hæc in fœdera veni*: there is nothing in the record, which binds me to the proposal. This was perfectly understood, and has been repeatedly declared by every person present at the meeting.

Every thing respecting this conciliatory resolution,—an epithet which it truly deserves,—is fully and most fairly detailed in the Apologetical Letter, addressed by Dr. Poynter to cardinal Litta, the prefect of the congregation *De Propagandâ Fide*; we shall therefore present our readers with it in the Appendix\*.

After all, those who blame the catholic committee of 1791, for persisting,—with the vicars-apostolic of the midland district on their side,—in their advocacy of the oath grounded on the protestation, against the opposition of the three other vicars-apostolic, cannot, with consistency,

\* See Appendix, Note I.—It contains, 1. Dr. Poynter’s Apologetical Letter;—2. Some account of the result of it:—3. A defence of that prelate against the charges brought against him by Dr. Milner, of tolerating Blanchardism:—4. Of unveiling retired ladies:—5. Of patronising the Bible Society:—6. And of not proceeding against the Cisalpine Club:—7. With a copy of Mr. Butler’s letter to the catholic prelates of England and Scotland, assembled at Durham in 1811.

blame those, who,—with the three vicars-apostolic on their side,—adhered to this fifth resolution of the catholics, in opposition to the single discordant voice of the vicar-apostolic of the midland district; especially as he himself had previously recommended, at three different times, the signing of it to others, and his discordancy must therefore have been an after-thought.

LXXXVI. 14.

26 February 1810.

*The sixteenth Resolution of the Irish Prelates.*

ON the 26th of February 1810, the roman-catholic prelates in Ireland assembled in Dublin, and came to certain resolutions, the sixteenth of which is expressed in the following words:—“ That as  
 “ to arrangements regarding our church, and said  
 “ to be intended for accompanying a proposal of  
 “ the emancipation of Irish roman-catholics, prudence and a regard for our duty forbid us to  
 “ pronounce a judgment. However, we declare,  
 “ that no spirit of conciliation has ever been wanting on our part; that we seek for nothing beyond  
 “ the mere integrity and safety of the roman-catholic  
 “ religion, in its christian faith and communion,  
 “ and its essential discipline, subordination and  
 “ moral code; nor may we be justly reproached  
 “ for our solicitude in guarding those sacred things,  
 “ for which we are bound to watch and bear testimony with our lives if required.”



LXXXVI. 15.

16 February 1814.

*Letter of Monsignor Quarantotti\*.*

AT the time of which we are now speaking, his holiness was in a state of captivity. He had invested Monsignor Quarantotti, since advanced to the dignity of cardinal, with all the ecclesiastical and spiritual powers of the see of Rome, except the appointment of the episcopal order.

By a rescript, in the nature of a letter, addressed to Dr. Poynter, dated the 16th February 1814, Monsignor Quarantotti notices the bill then in agitation for the emancipation of the catholic subjects of his majesty ; and he then says, that “ having taken the advice of the most learned prelates  
“ and divines, having examined the letters which  
“ had been transmitted to him both by Dr. Poynter  
“ and the archbishop of Dublin, and the matter  
“ having been maturely discussed in a special congregation, it was decreed, that the catholics  
“ might, with satisfaction and gratitude, accept and  
“ embrace the bill which was the last year presented for their emancipation, in the form in  
“ which Dr. Poynter had laid it before him ;—it  
“ being understood, that the ministers of the catholic church were not forbidden, by the oath  
“ contained in it, to preach, instruct, and give  
“ counsel, but were only prohibited from disturb-

\* Appendix, Note II.

“ ing the protestant church or government by violence and arms, or evil artifices of whatever kind.”

We shall insert, in the Appendix, a full translation of this letter.

LXXXVI. 16.

17 June 1814.

*Address from the English Roman-catholics to his holiness pope Pius the seventh.*

ON the restoration of his holiness, the English catholics thought it incumbent on them to present to him an address, mentioning their concern at the indignities which had been offered him, and their joy at his return to the city of Rome ; and assuring him of the deep and unalterable respect and veneration which they felt for his sacred person and character. An address to this effect was accordingly prepared and transmitted to his holiness.

They refer in it to the letter addressed by Monsignor Quarantotti to Dr. Poynter, and express their confidence that, on the return of his holiness to the free exercise of his apostolical functions, he would find that the venerable depositaries of his authority had, during his captivity, spoken the genuine and full sentiments of his paternal heart towards the faithful of these countries.—A translation of this address is inserted in the Appendix\*.

\* Appendix, Note III.

## LXXXVI. 17.

28 December 1814.

*Letter of the Pope to the English Catholics\*.*

IN this letter his holiness acknowledges the receipt of the preceding address, and informs the English catholics, that he had transmitted the rescript of Monsignor Quarantotti to a congregation of cardinals; that the matter ought to be examined *ab integro*.—We insert a translation of it in the Appendix.

## LXXXVI. 18.

26 April 1815.

*Cardinal Litta's Letter to Dr. Poynter†.*

By this letter his eminence informs Dr. Poynter, that “his holiness will feel no hesitation in allowing those, to whom it appertains, to present to the king’s ministers a list of candidates, in order that, if any of them should be obnoxious or suspected, the government might immediately point him out, so as that he might be expunged:—Care however being taken to leave a sufficient number for his holiness to choose from it individuals, whom he might deem best qualified in the Lord for governing the vacant churches.”

\* Appendix, Note IV.

† Appendix, Note V.

LXXXVI. 19.

23 and 24 August 1815.

*Further Resolutions of the Irish Prelates respecting the Veto.*

**AT** a meeting of the roman-catholics in Dublin, they came to the following resolution :—that “ it  
“ is our decided and conscientious conviction, that  
“ any power granted to the crown of Great Britain,  
“ of interfering directly or indirectly in the ap-  
“ pointment of bishops for the roman-catholic  
“ church in Ireland, must essentially injure and  
“ may eventually subvert the roman-catholic reli-  
“ gion in this country.

“ That with this conviction, deeply and unal-  
“ terably fixed in our minds, we should consider  
“ ourselves as betraying the dearest interests of that  
“ portion of the church, which the Holy Ghost has  
“ committed to our care, did we not declare most  
“ unequivocally, that we will at all times and under  
“ all circumstances, deprecate and oppose, in every  
“ canonical and constitutional way, any such inter-  
“ ference.

“ Though we sincerely venerate the supreme  
“ pontiff, as visible head of the church, we do not  
“ conceive that our apprehensions for the safety  
“ of the roman-catholic church in Ireland can or  
“ ought to be removed by any determination of  
“ his holiness, adopted or intended to be adopted,  
“ not only without our concurrence, but in direct

“ opposition to our repeated resolutions, and the  
 “ very energetic memorial presented on our behalf,  
 “ and so ably supported by our deputy, the most  
 “ reverend Dr. Murray ; who, in that quality, was  
 “ more competent to inform his holiness of the real  
 “ state and interests of the roman-catholic church  
 “ in Ireland, than any other with whom he is said  
 “ to have consulted.”

These resolutions were unanimously agreed to by the four metropolitan archbishops, by Dr. Everard the coadjutor of the archbishop of Cashel, by Dr. Murray the coadjutor of the archbishop of Dublin, by the bishops of Meath, Cloyne, Clonfert, Kerry, Waterford, Derry, Achonry, Killala, Killaloe, Kilmore, Ferns, Limerick, Elphin, Cork, Downe and Connor, Ossory, Raphoe, Clogher, Dromore, Kildare and Leighlin and Ardagh, and the warden of Galway.

LXXXVI. 20.

1 February 1816.

*The Pope's Letter to the Irish Prelates on the subject of their Resolutions.*

A COPIOUS extract from this letter was transmitted by the catholic bishops to the catholic board in Ireland, and is published in the Appendix \*.—  
 “ With what pain do we find it expressly declared  
 “ in your letter,” exclaims his holiness, “ that the  
 “ expedient, which among others for satisfying

\* Appendix, Note VI.

“ the government of the loyalty of those to be  
 “ elected bishops, not only did not meet your ap-  
 “ probation, but appeared to threaten destruction  
 “ to the catholic religion in Ireland.”

His holiness argues this point with the prelates at great length,—and finally bids them “ observe  
 “ how destitute those, their apprehensions, were,  
 “ of all reason and of all foundation.”

LXXXVI. 21.

19 July 1817.

*Remonstrance of the General Board of Catholics in  
 Ireland.*

THIS letter was addressed by the general board of the Irish catholics to his holiness, deprecating any interference of the British government in the nomination to vacant catholic sees, and praying for such “ a concordate with the catholic bishops  
 “ in Ireland, as will render the election of their  
 “ successors perfectly domestic and purely catholic;  
 “ and will at the same time insure the institution  
 / “ to the person so to be elected.”

LXXXVI. 22.

21 February 1818.

*The Pope's Reply.*

His holiness replied to the board ; he refers them to his letter to the Irish prelates.—“ As to the sus-  
 “ picions and alarms, which,” says his holiness,

“ we find from the conclusion of your letter, you  
 “ entertain concerning the ecclesiastical affairs of  
 “ your country, *we order you to be at ease.* For  
 “ you ought to consider that we have viewed and  
 “ weighed the manner in which we should conduct  
 “ ourselves in regard to these matters, whenever  
 “ any opportunity should present itself.”

... We shall conclude the article by observing, that up to this very moment, the veto has never been a subject of any motion, or even of any serious discussion among the English catholics. To the acceptance of it,—either unfortunately given, or unfortunately retracted,—by the Irish prelates, the veto, with every thing that belongs to it, is solely owing. To charge it on the English is unjust and ungenerous in the extreme.

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## CHAP. LXXXVII.

## BOARD OF THE ENGLISH ROMAN-CATHOLICS.

THE nature of the board of the British roman-catholics having been greatly misrepresented, the writer apprehends that the following short account of the formation and construction of it may be inserted without impropriety in this place.

In the preceding pages it has been mentioned, that, in the year 1782, a committee of roman-catholic noblemen and gentlemen was appointed at a general meeting of the body for the management of their public concerns; that, successive

committees for that purpose were afterwards appointed ; that, the members of the committee in 1791, considered that immediately after the act of parliament of that year, for the relief of the roman-catholics, was passed, and some measures consequential to it had been effected, the trust delegated to them was expired ; and that, accordingly, at a general meeting of the roman-catholics in 1792, the committee announced that they considered their powers to be at an end, and that they should no longer meet in their collective capacity.

All roman-catholics remember with gratitude the leading part which the late Robert Edward lord Petre took in all the proceedings of the last committee. He was actively employed in every transaction respecting the act of 1778 ; and, through the remainder of his life, dedicated all his time, his mind, and his fortune to the catholic cause. All his actions were distinguished by rectitude, openness, and dignity ; his ample fortune sunk under his beneficence. He was the centre of a numerous band of illustrious friends, eminent for their strong and undeviating attachment to civil and religious liberty : in the exercise of his bounty he knew no distinction of persons ; it may be truly said, that he seemed to be born to relieve the distressed, to spread happiness among his friends, and to promote and illustrate the catholic cause. His death, (though his conscientious adherence to his religious principles had excluded him from those situations to which his birth entitled him,) was generally bewailed, as a public loss.



In 1798 he met with a sensible mortification. Having, with the express leave and encouragement of government, raised, equipped, and trained, at his own expense, a corps of two hundred and fifty men for his majesty's service, he petitioned that his son might be appointed to their command. His religion was objected. It was admitted, that, by accepting the command of the corps, without complying with the provisions of the test act, and the act of Geo. I. s. 20, sess. 2, c. 13, Mr. Petre would subject himself to the penalties empowered by those acts; but it was observed, that the appointment would be good; that the penalties would not be incurred till the expiration of the sixth month after the appointment, and that the annual act of indemnity would pass before that time, and remove the penalties. It was also suggested, that protestants and roman-catholics stood, in this respect, exactly in the same predicament; few of these, in point of fact, qualifying themselves for office, within the regular time; so that both were equally liable to the operation of the penal acts, and both equally within the relief of the act of indemnity.—Mr. Hill, his majesty's premier serjeant at law, and sir James Mansfield, afterwards his majesty's chief justice of his court of common pleas, were decisively of this opinion; but the refusal was persisted in; another person was appointed; and Mr. Petre served under him in the ranks. Lord Petre died in July 1801.

While the writer was committing these words to paper, he was informed of the death of sir John Throckmorton, his lordship's steady and active

associate, in all his exertions for catholic emancipation, and, after his lordship's decease, an active leader in that interesting cause. It was placed by both on its true ground,—on the only ground, on which an exertion for religious liberty is defensible in every point, and on all its sides:—the universal right of every person, so far as the magistrate is concerned, and civil and social duty is not affected,—to worship God according to the dictates of his own conscience. “Neither breathing, nor the use of common ayre,” says father Parsons in a work equally distinguished by strength of argument and eloquence\*, “is more due in common to all, than ought to be the liberty of conscience to christian men, whereby each one liveth to God and himself.” Narrow this principle but a single pace, and you make the magistrate,—a man necessarily liable both to moral and religious error,—the arbiter of moral and religious dogma!

Sir John Throckmorton was extensively known, and no where known, where his probity, his beneficence, his extensive endowments and polished manners, did not obtain universal regard and reverence. Those, who differed most from him, did justice to his talents, his candor, and his consistency. Mr. Fox particularly respected him:—That great man once mentioned to the writer, that, “he did not know a person from whom it was more unsafe to differ, than sir John Throckmorton.”

\* “Judgment of a Catholic Englishman on the Apology for the Oath of Allegiance,” &c.—This excellent work is now extremely scarce.

Such were the two men, who, for half a century, had a principal part in directing the exertions of the English catholics for the repealing of the penal laws. None, who knew them soon forgot them :— While this page shall remain, the writer wishes it to record, *that they were his friends.*

From the dissolution of the catholic committee in 1791, till the year 1808, the British catholics had no point of union. On the 23d of May, in that year, a meeting of them, convened by public advertisement, was held ; and it was unanimously resolved, “ that a subscription should be collected “ for the general benefit and advantage of the “ body, to be placed under the control of a cer- “ tain number of noblemen and gentlemen, who “ should be requested to apply the same according “ to their judgment and discretion.” A select board for this purpose was accordingly framed ; and a resolution entered into, by which, “ a hope was “ confidently expressed, that the subscription might “ prove the medium of forming the desired asso- “ ciation.” On that ground, the subscription was earnestly recommended to the catholics of Great Britain for their concurrence and support.

The meeting then proceeded to an act, which pleased every catholic,—the appointment of Mr. Edward Jerningham to be their secretary.

The hope thus confidently expressed, that the subscription might prove the medium of forming an association, was happily realized.—An association of the most respectable description, was formed, and finally organized in 1813. It was settled, that

there should be a general board, and a standing committee of the board; that all the vicars-apostolic of Great Britain, should be members of the board; that every British layman and private clergyman, subscribing a specified sum, should be members of it: and that the committee should be formed from the members of the general board, and consist of the vicars-apostolic and catholic peers of Great Britain, and thirty-one other individuals.

It is needless to enter into any further detail:—both the board and the committee have discharged their duties with assiduity and moderation: no act of either appears to have given offence to the public; and the general tenor and spirit of their conduct have been often mentioned with commendation. A list of the actual members of the board has been published: it is difficult to mention any board, in which there is more of noble or gentle lineage, or a larger proportion of ancient family inheritance.

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#### CHAP. LXXXVIII.

ATTEMPTS OF THE ENGLISH CATHOLICS TO OBTAIN RELIEF ON THE ACCESSION OF MR. FOX'S MINISTRY IN 1806:—ALLEGED OBJECTION FROM HIS MAJESTY'S CORONATION OATH.

**I**T is greatly to the honour of the catholics, and no slight proof of the justice of their claims, and the expediency of granting them, that they have always

reckoned among their friends, the wisest and best men of the nation. At the time, to which the subject of these pages now leads us, Mr. Pitt, Mr. Fox and Mr. Burke were, confessedly, the most distinguished political characters in the country. Agreeing in little else, these great men united in the catholic cause, and in their wishes to afford the catholics every relief, which the temper of the times would admit. Through the whole progress of the bill of 1791, Mr. Pitt's conduct towards them was most open and friendly; he watched the bill, in all its different stages, with kind and unwearied attention. Sometimes by energy, sometimes by conciliation, he removed the obstacles, which opposed it; and, when the differences in the catholic body afforded too good an excuse for postponing the measure indefinitely, he did all in his power to compose the feud, and prevent its injuring the general cause. On every occasion, Mr. Burke advocated the catholic claims, and Mr. Fox proclaimed himself their patron. On one occasion, the writer called on Mr. Wyndham to solicit his attendance at the discussion of the bill for the relief of the catholics, then in the house of commons: "Give yourself no trouble," said that amiable and informed statesman, "to call upon me on these occasions; I shall always be sure to be at my post."—From him the writer went to Mr. Whitbread, with the same request:—"You may always," he said, "depend on me: if parliament should give you a limited relief, I shall rejoice that they give you something; if they should

“ grant it without limitation, I shall rejoice that  
“ they give you all.”

We shall shortly mention, in this chapter,—  
I. The general hopes of relief, which the catholics  
entertained, upon Mr. Fox’s accession to the minis-  
try in 1806 :—II. The objections to catholic eman-  
cipation, which were supposed to arise from the  
oath, taken by the monarch, at his coronation :—  
III. The conduct of lord Grenville’s administra-  
tion towards the catholics :—IV. Their attempts to  
obtain relief in 1810, 1811, and 1812.

#### LXXXVIII. 1.

*General hopes of Relief, entertained by the Catholics, at the  
time of Mr. Fox’s Accession to the Ministry, in 1806.*

MR. Fox’s principles of civil and religious li-  
berty are known to have been of the most enlarged  
kind. On one occasion, he desired the writer of these  
pages to attend him, to confer with him, as he con-  
descended to say, on catholic emancipation. He  
asked the writer, “ what he thought was the best  
“ ground on which it could be advocated?” The  
writer suggested it to be—that, “ it is both unjust,  
“ and detrimental to the state, to deprive any por-  
“ tion of its subjects of their civil rights, on ac-  
“ count of their religious principles, if these are  
“ not inconsistent with moral or civil duty.” “ No,  
“ sir !” Mr. Fox said, with great animation : “ that  
“ is not the best ground.—The best ground,—and  
“ the only ground, to be defended in all parts,—  
“ is, that *action*, not *principle*, is the object of law

“and legislation. With a person’s principles no  
“government has a right to interfere.”—“Am I  
“then to understand,” said the writer, wishing to  
bring the matter at once to issue, by supposing an  
extreme case,—“that, in 1713,—when the houses  
“of Brunswick and Stuart were equally balanced,  
“—if a person published a book, in which he at-  
“tempted to prove that the house of Hanover un-  
“lawfully possessed the British throne, and that  
“all, who obeyed the prince on it, were morally  
“criminal,—he ought not to be punished by law?”  
“—“Government,” said Mr. Fox, should answer  
“the book, but should not set its officers upon its  
“author.” “No,”—he said, with great energy,  
“and rising from his seat, “the more I think of  
“the subject, the more I am convinced of the truth  
“of my position:—*action*, not *principle*, is the true  
“object of government.” In his excellent speech  
for the repeal of the test, Mr. Fox adopted this  
principle, in its fullest extent; and enforced and  
illustrated it with an admirable union of argument  
and eloquence.

## LXXXVIII. 2.

*The objection to catholic Emancipation from the  
Coronation Oath.*

It is not, therefore, to be wondered, that the  
hopes of the catholics, for substantial relief, rose  
very high on the formation of Mr. Fox’s adminis-  
tration. They were soon checked by a report,  
actively circulated, of his majesty’s having been

advised, by the late earl Rosslyn, that it was inconsistent with his coronation oath, to repeal the laws remaining in force against the catholics.

That, for this difficulty, there is no real ground, has been fully proved by two able publications : Dr. Milner's *Case of Conscience solved; or, Catholic Emancipation proved to be compatible with the Coronation Oath, in a Letter from a Casuist in the Country to his Friend in Town*, 8vo. 1806; and Mr. John Joseph Dillon's *Essay on the History and Effects of the Coronation Oath, including Observations on a Bill, recently submitted to the consideration of the Commons*, 8vo. 1807.

In fact,—all discussion of the subject may be brought, at once, to a very simple and decisive issue. The coronation oath was fixed in Ireland, by the *first of William and Mary*. At this time, catholic peers had their seats, and voted in the Irish house of lords; catholic commoners were eligible to the Irish house of commons; and all civil and ecclesiastical offices in Ireland were open to catholics. Of these rights, they were deprived by the *subsequent acts of the third and fourth of William and Mary, and the first and second of queen Anne*. Now, the coronation oath can only refer to the system of law, which was in force, when the act, prescribing that oath, was passed: but, the Irish laws, the repeal of which was prayed for, were subsequent to that act; therefore,—to those, or to any similar laws, the coronation oath cannot be referred.

The prejudice, however, of the royal mind,



against any extension of favour to the catholics, was very great; and was represented by many, to be unconquerable. This was remarked by Mr. Fox, to several of the leading catholics. He admitted to them, unequivocally, the justice of their claims, and the expediency of granting them; but declared, that, in his opinion, it was impracticable for them, at that moment, to carry the question of emancipation, and therefore advised them not to bring it forward, as the discussion of it could not possibly lead to any good, but might do them harm in future, by the ill-will and irritation, which it would naturally produce on both sides. He added, at the same time, that, if they should determine to bring forward their petition, they might at all times, and in all situations, depend on his voice and influence in support of it. The candor and openness of this declaration, from one so zealously attached to their interests, and so well known for the frankness and fairness of his character, had their due weight with the gentlemen, who communicated with Mr. Fox, on the occasion, and they resolved to abide by his advice\*.

## LXXXVIII. 3.

*The Conduct of lord Grenville's Administration towards the Catholics.*

DURING the two years, which immediately preceded the decease of Mr. Fox, his health was visibly on the decline: in August 1806, symptoms

\* See Doddsley's Annual Register, 1806, ch. 2.

of an approaching dissolution began to appear. On Saturday, the 13th of September, he expired. That his heart was most generous, and his understanding of the highest order, is universally allowed. In the memory and gratitude of the catholics, he should ever live; they never had a more sincere, a more ardent, or a more able friend.

On his decease, the administration was new modelled: lord Grenville was continued first lord of the treasury; lord Howick, afterwards earl Grey, succeeded Mr. Fox, in the foreign office, and, on lord Sidmouth's removal to the presidency of the council, lord Holland succeeded him, as lord privy seal.

The wishes of the catholics, that their case should be taken into consideration by the legislature, were now strongly expressed. This also was much the wish of his majesty's ministers; but the circumstance, which has been suggested, made it too probable, that such a discussion would rather retard than advance the attainment of the object: they therefore adopted a measure, the operation of which would be of a limited kind, but essentially serve the catholics, and serve, at the same time, to a certain extent, the general body of protestant dissenters.

To understand it, the reader should observe, that, in 1778, a law passed in Ireland, to enable protestant dissenters in that country, to hold civil and military employments, without any restriction. This places them in a better situation, than protestant dissenters in this country, who can hold no place, civil or military, without taking the sacramental test within

a limited time. In this respect too, the catholic in Ireland is in a better situation, than the protestant dissenter in England, as, by the act of 1793, Irish catholics, without taking the sacramental test, are admissible to any rank of the army, not above that of a colonel.

To put an end to these anomalies, lord Howick, on the 5th of March 1807, moved for leave to bring a bill into the house, "*for enabling his majesty to avail himself of the services of all his liege subjects, in his naval and military forces, in the manner therein mentioned.*"—The object of it was, to enable persons of every description to serve in the army and navy, without any condition, except that of taking an oath particularized in the bill.—Mr. Perceval called the attention of the house to the bill, and appeared determined to oppose it; a conversation upon it ensued; the bill, however, was read the first time, and ordered to be read again that day se'nnight.

Afterwards it was dropped.

The circumstances, which occasioned the change, were explained on the 26th of March in the house of lords, by lord Grenville; in the house of commons, by lord Howick.—From these, it appeared, that the intentions of the noble lords to bring the measure into parliament, had been communicated by them to his majesty; that his majesty, after some objections, gave his consent that the measure should be proposed; that authority was given to the lord lieutenant to communicate, by his secretary, to the heads of the Irish catholics, that the army and

navy should be opened to them ; that, at a meeting of them, Mr. Elliot, the Irish secretary was asked, whether it was intended that the act should allow the catholics to rise to all military offices, including the staff ; that Mr. Elliot declined to answer that question, till he received further instructions from England ; that these instructions were prepared, and authorized him to answer the question in the affirmative ; that the dispatch, giving Mr. Elliot this authority, was laid before his majesty ; that it was returned, by his majesty, to his ministers, without any objection or comment ; that so returned, it was forwarded to Mr. Elliot ; that afterwards, some members of the cabinet intimated that they had not been fully aware of the extent of the measure ; that, on re-considering it, they thought the measure objectionable ; that his majesty then declared it was of a far greater magnitude than it had before appeared to him, and expressed to lord Grenville his decided objection to it ; that the ministers then endeavoured to modify the bill, so as to reconcile it to his majesty's wishes ; that they failed in this attempt, and therefore determined to drop it altogether ; that, in vindication of their character, they wished to insert, in the proceedings of the cabinet, a minute, reserving to lord Grenville and lord Howick, 1. The liberty of delivering their opinions in favour of the catholic question : 2. And of submitting the question, or any subject connected with it, from time to time, according to circumstances, to his majesty's decision : that they were called upon to withdraw the latter reserva-

tion,—and even, to substitute in its stead, a written obligation, pledging themselves never again to bring forward the measure, which they had abandoned, nor ever more to propose any thing connected with the catholic question; that they thought this inconsistent with the duty, which their oaths, as privy councillors bound them to perform; that they respectfully communicated to the king, their sentiments on this subject; and that, on the following day, they received an intimation from his majesty that he must look out for other ministers.

The language, which, in consequence of the royal scruples, respecting the coronation oath, Mr. Fox held to the roman-catholics, was used, at the time of which we are speaking, by earl Grey and lord Grenville.—The former, and lord Holland, Mr. Wyndham, and Mr. Whitbread, repeatedly expressed to the writer, their wish, that, “at that critical time, the catholics would not provoke a parliamentary discussion of their question;” but they uniformly declared explicitly, that, “if contrary to their recommendation, the catholics should bring it forward, they would give it their cordial support.” A conduct more honourable to themselves, or more kind towards the catholics, they could not have adopted:—That in advocating the cause of the catholics, they fell from power, no catholic should ever forget\*.

\* It is very remarkable, that a measure very similar to that proposed to his majesty by lord Grey and lord Grenville was proposed and carried by the present administration, in the 57th year of his late majesty. See post. ch. xc.

Such was the issue of this memorable attempt to open rank and distinction, in his majesty's armies and fleets, to his catholic subjects. It was soon followed by a dissolution of parliament, and the appointment of a new administration. Mr. Spencer Perceval was appointed chancellor and under-treasurer of his majesty's exchequer; and lord Hawkesbury, lord Castlereagh, and Mr. Canning, were appointed his majesty's principal secretaries of state.

As the last administration had been removed from office, in consequence of their intended bill to ameliorate the condition of the catholics; and, as their successors had come into office, in consequence of their successful resistance to that bill, the passions of the multitude, always running into extremes, and always finding some appellation for stigmatizing the party obnoxious to them, expressed their admiration of the new ministry by calling them the "No Popery" administration: and the outcry of "No Popery" pervaded every part of the kingdom. It soon increased to a serious height, and, in more than one town in England, something like the riots of 1780, began to be apprehended. Insensibly, however, the ferment subsided:—a modest address to their fellow subjects, which the English catholics extensively circulated, was supposed to have contributed, considerably, in producing this fortunate circumstance.

## LXXXVIII. 4.

*Attempts of the Catholics for Relief in the years 1808, 1810, and 1812.*

IN 1808,—Mr. Grattan presented to the house of commons, the petition of the Irish catholics. On the 25th of May, he moved for its being referred to a committee of the whole house. On a division, the numbers were,

For it	-	-	-	-	128
Against it	-	-	-	-	<u>281</u>

Majority against going into a committee, 153.

On the 27th of the same month, a similar motion was made in the house of lords : on a division, the numbers were,

Contents	-	-	-	-	74
Non-contents	-	-	-	-	<u>161</u>

Majority against the catholics - 87.

IN 1810,—Mr. Grattan presented another petition from the Irish catholics.

On the 18th of May, he moved to refer it to a committee : on a division, the numbers were,

For it	-	-	-	-	109
Against it	-	-	-	-	<u>213</u>

Majority against the motion - 104.

On the 6th of June, lord Donoughmore made a similar motion in the house of lords ; on a division, the numbers were,

Contents	-	-	-	-	68
Non-contents	-	-	-	-	<u>154</u>

Majority against the motion - 86.

*In* 1812,—the claims of the Irish catholics came again before the house.

On the 21st April, lord Donoughmore moved, in the house of lords, the order of the day to take into consideration; “the claims of the catholic body, for the removal of the disabilities under which they labour.”

On a division, the numbers were,

Contents	-	-	-	-	102
Non-contents	-	-	-	-	174

Majority against the motion - 72.

On the 23d of the same month, Mr. Grattan made a similar motion for a committee: on a division, the numbers were,

For it	-	-	-	-	215
Against it	-	-	-	-	300

Majority against the motion - 85.

As full accounts of all these debates have been printed, we insert in these pages no extracts from any of them:—but, we beg to invite our readers to an attentive perusal of Mr. Grattan’s speech, in the debate of 1808: it presents an union of argument, eloquence, imagery and philosophy, which is seldom found in any composition. Nothing can show more strongly than a comparison between Mr. Grattan and his imitators, the vast space, which is ever discernible between a man of genius, philosophy and business, and a mere artist in language. We must also request the reader’s attention to the speech of the duke of Sussex in the debate in 1812; it displays a degree of research, talent and



liberality, which reflects, on the illustrious prince, the highest honour.

Nor should we withhold their just measure of praise from the exertions of our early and long-continued friend, sir John Cox Hippisley. On several occasions he printed his speeches, separately, accompanied with much curious and instructive matter relating to the catholic question. Whatever we may think of his conduct in a subsequent period, it is certain, that, up to a certain time, few had deserved better of the catholic cause.

In the debates on the motion, of which we are now speaking, the most grateful moment to the catholics, was, when,—in the debate on the Irish petition in 1810,—the earl of Liverpool said,—  
“ I have heard allusions this night to doctrines,  
“ which, I do hope, no man now believes the ca-  
“ tholics to entertain: nor is there any ground,  
“ that the question is opposed on any such pretence.  
“ The explanations, which have been given on this  
“ head, so far as I know, are completely satisfac-  
“ tory; and the question, as it now stands, is  
“ much more narrowed than it was on any former  
“ occasion.”

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#### CHAP. LXXXIX.

#### THE BILL OF 1813.

THE defeats which the catholics had sustained in their former applications to parliament did not dishearten them. Comparing the whole number

of the members of each house of parliament, with the number that voted in that house, in the several debates, in which the catholic question was agitated, it was evident,—from their respective proportions to the respective strength of the whole of each house,—that the votes in favour of emancipation had, generally, been on the increase. Add to this, that lord Castlereagh, who was likely to influence many important votes and interests, had declared in its favour; and that Mr. Canning also, who was at the head of a respectable portion of the friends of Mr. Pitt, was expected to patronize their cause. Some unfortunate circumstances, however, militated against them:—the disputes on the veto,—which have been noticed in a former part of this work,—continued, and expressions had been used by individuals, of a nature to indispose a powerful quarter against the general body. That quarter, however, might be propitiated; and it was foreseen that, after proper explanations, Rome would recognize, to a certain extent, at least, the lawfulness of the veto.

Under these circumstances, the catholics commenced their proceedings for relief, in the year 1813. We shall present the reader,—I. With Mr. Butler's printed address on that occasion, to the protestants of the united empire:—II. With the petition presented to both houses of parliament, by the English catholics in 1810:—III. With a succinct account of the rise and progress of the bill brought into parliament in 1813:—IV. And with some reflections on the securities enacted by some clauses in that bill.

## LXXXIX. 1.

*“ Mr. Butler’s Address in 1813 to the Protestants of the United Empire.*

“ IN the last sessions of parliament, the house  
“ of commons came to a resolution, that ‘ the house  
“ ‘ would early in the next session take into its  
“ ‘ most serious consideration the laws affecting  
“ ‘ his majesty’s roman-catholic subjects in Great  
“ ‘ Britain and Ireland, with a view to such final,  
“ ‘ conciliatory adjustment, as might be conducive  
“ ‘ to the peace of the united kingdom, stability  
“ ‘ of the protestant establishment, and the general  
“ ‘ satisfaction and concord of all classes of his  
“ ‘ majesty’s subjects.’

“ Encouraged by this resolution, the roman-ca-  
“ tholics of England and Ireland intend presenting  
“ immediately separate petitions to each house of  
“ parliament, ‘ for a repeal of the penal and dis-  
“ ‘ abling statutes, which still remain in force  
“ ‘ against them.’

“ In the mean time, they observe, with great  
“ concern and surprise, that attempts are made to  
“ prejudice the legislature against their application.  
“ Many erroneous, artful, and inflammatory pub-  
“ lications of this tendency, have been actively  
“ and extensively circulated. The charges brought  
“ in them against the roman-catholics, are of the  
“ most serious nature. The object of this address  
“ to you, is to answer these charges, and to state  
“ to you, succinctly, the grounds of the intended

“ application of the English roman-catholics to  
 “ the legislature for relief. The greatest part of  
 “ what is intended to be said in the address will  
 “ apply, in a great measure, as much to the situa-  
 “ tion of the Irish and Scottish, as to the situation  
 “ of the English roman-catholics : but, as the penal  
 “ codes of Ireland, Scotland and England, in re-  
 “ spect to roman-catholics, are very different, it has  
 “ been thought advisable to confine the present  
 “ address to the case of the English roman-catho-  
 “ lics only.”

## 1.

“ It is generally represented, in the publications,  
 “ of which we complain, that the English roman-  
 “ catholics *labour under no real grievances*; and  
 “ that if all the remaining penal laws against them  
 “ were repealed, *the number of those, who would be*  
 “ *really benefited by the repeal, would be too insigni-*  
 “ *ficant to make their relief an object of legislative*  
 “ *concern.*

“ But this representation is altogether erroneous  
 “ —the English catholics labour under many severe  
 “ penalties and disabilities : their whole body is  
 “ affected by them, and would be essentially bene-  
 “ fited by their removal.

“ 1st. By the 13th Charles the second, commonly  
 “ called the Corporation Act, their whole body is  
 “ excluded from offices in cities and corporations.

“ 2d. By the 25th Charles the second, commonly  
 “ called the Test Act, their whole body is excluded  
 “ from civil and military offices.

“ How injurious these acts are, both to the

“ public and to the individuals on whom they operate, appeared in 1795 ; in which year, during the then great national alarm of invasion, lord Petre, the grandfather of the present lord, having, with the express leave and encouragement of government, raised, equipped and trained, at his own expense, a corps of two hundred and fifty men for his majesty’s service, requested that his son might be appointed to the command of them. His son’s religion was objected, his appointment was refused, and another person was appointed to the command of the corps. You cannot but feel how such a conduct tended to discourage the catholics from exertions of zeal and loyalty : —but, the noble family had too much real love of their country to resile from her service, even under these circumstances. His lordship delivered over the corps, completely equipped, and completely trained, into the hands of government, and his son served in the ranks. Surely you cannot think that laws, which thus tend to alienate the hearts, and paralyze the exertions of those who, in the hour of danger, thus wished to serve their country, are either just or wise.

“ 3d. By the 7th and 8th of William the third, c. 27th, roman-catholics are liable to be prevented from voting at elections.

“ 4th. By the 30th Charles the second, s. 2, c. 1, roman-catholic peers are prevented from filling their hereditary seats in parliament.

“ 5th. By the same statute, roman-catholics are prevented from sitting in the house of commons.

“ 6th. By several statutes, roman-catholics are  
“ disabled from presenting to advowsons, a legal  
“ incident of property, which the law allows even  
“ to the Jew.

“ 7th. Though a considerable proportion of his  
“ majesty's fleets and armies is roman-catholic; not  
“ only no provision is made for the religious com-  
“ forts and duties of roman-catholic soldiers and  
“ sailors, but, by the articles of war, they are liable  
“ to the very heaviest pains and penalties for refus-  
“ ing to join in those acts of outward conformity to  
“ the religious rites of the established church, which  
“ a roman-catholic considers to amount to a dere-  
“ liction of his faith. By the articles of war, sect. 1,  
“ a soldier absenting himself from divine service  
“ and sermon, is liable, for the first offence, to for-  
“ feit one shilling, and for the second, and every  
“ other offence, to forfeit one shilling and to be  
“ put in irons. By the same articles, sect. 2, art. 5,  
“ “ If he shall disobey any lawful command of  
“ ‘ his superior,’ (and, of course, if he shall dis-  
“ obey any lawful commands of his superior officer  
“ to attend divine service and sermon), ‘ he shall  
“ ‘ suffer death, or such other punishment as by a  
“ ‘ general court-martial shall be awarded.’

“ In the last parliament, it was shown, that a  
“ meritorious private, for refusing, (which he did  
“ in the most respectful manner), to attend divine  
“ service and sermon according to the rites of the  
“ established church, was confined nine days, in a  
“ dungeon, on bread and water.

“ The roman-catholics acknowledge with grati-

“ tude the virtual suspension of these laws, in con-  
“ sequence of the orders recently issued by his  
“ royal highness the present commander in chief,  
“ and the facilities which they afford for enabling  
“ the roman-catholic soldiers to attend their own  
“ religious worship ; but, they beg leave to observe,  
“ that these humane regulations still want the firm  
“ sanction of law, and therefore, to a certain ex-  
“ tent, are still precarious : and are not *always*  
“ attended to.

“ 8th. In common with the rest of his majesty’s  
“ subjects, the roman-catholics contribute to the  
“ religious establishment of the country ; they have  
“ also to support their own religious functionaries ;  
“ and thus have a double religious establishment  
“ to defray. Of this, however, they do not com-  
“ plain ; but they think it a serious grievance that  
“ their own religious endowments are not legalized  
“ like those of the protestant dissenters.

“ In hospitals, workhouses, and other public  
“ institutions, the attendance of the ministers of  
“ their own communion is sometimes denied to the  
“ poor of the roman-catholic religion, and the chil-  
“ dren of the roman-catholic poor are sometimes  
“ forced into protestant schools under the eyes of  
“ their parents.”

## 2.

“ SUCH, fellow subjects, is the particular opera-  
“ tion of the principal laws still remaining in force  
“ against your English catholic brethren.—The  
“ *general effect* of them is, to depress every member  
“ of the body below his legitimate level in society.

“ Even in the very lowest order of the commu-  
“ nity, some situations conferring comfort, emolu-  
“ ment, or distinction, are open to the individuals of  
“ that class, and in proportion as the several classes  
“ of society rise into importance, these situations  
“ are multiplied. From all of them the law ex-  
“ cludes the English catholic. This effectually  
“ places him below his protestant brethren of the  
“ same class, and makes the whole body, in the  
“ estimation of the community, a depressed and  
“ insulated cast.

“ This the roman-catholics severely feel : but it  
“ is not by its substantial effects alone that they  
“ feel their depression. Several avenues of wealth  
“ are still open to them,—none to honours or dis-  
“ tinctions. Thus, thousands of those possibilities,  
“ the prospect and hope of which constitute a large  
“ proportion of the general stock of human happi-  
“ ness, are peremptorily denied to the roman-ca-  
“ tholics. No hope of provision, of preferment,  
“ of honours, or dignity, cheers their souls or ex-  
“ cites their exertions. A roman-catholic scarce  
“ steps into life when he is made to feel that no-  
“ thing, which confers them, is open to him ; and,  
“ however successful his career may have been, it  
“ seldom happens that his success has not been,  
“ on more than one occasion, either lessened or  
“ retarded, by the circumstance of his having been  
“ a roman-catholic.

“ Here then, our protestant countrymen are  
“ called upon to place themselves in our situation ;  
“ and to reflect, what their own feelings would be,



“ if, from a conscientious adherence to their reli-  
“ gious principles, they belonged to a class thus  
“ legally degraded. How often would they sub-  
“ stantially feel the effects of this degradation?  
“ How many of their hopes would it destroy? How  
“ many of their projects would it ruin? Surely a  
“ petition to the legislature from any portion of  
“ his majesty’s subjects, for the removal of such a  
“ woe, is entitled to the sympathy and aid of every  
“ other portion of the community.”

## 3.

“ WE are sometimes told, that *however the repeal*  
“ *of the laws complained of by the roman-catholics*  
“ *would benefit them, it would confer no real benefit*  
“ *on the state*; and that, as no alteration of law  
“ should take place, unless it promotes the general  
“ welfare of the state, the laws complained of should  
“ remain in force.

“ But we wish to submit to the consideration  
“ of our countrymen, that the whole kingdom  
“ would be essentially served by the repeal of  
“ the penal laws remaining in force against his  
“ majesty’s roman-catholic subjects. On this head,  
“ the writer of these pages requests your particular  
“ attention.

“ Two-thirds of the population in Ireland, and  
“ no inconsiderable proportion of the population  
“ of England, is composed of roman-catholics. It  
“ is obvious that the feelings of this large propor-  
“ tion of the community are wounded, in the highest  
“ degree, by the penal and disabling laws to which

“ they are subject; and that they consider them-  
“ selves highly injured, insulted, and degraded by  
“ them. Now, must it not be beneficial to the  
“ state, that this extensive feeling of insult, injury,  
“ and degradation, should be healed? Do not wis-  
“ dom and sound policy make it the interest of  
“ the state, that every circumstance, which leads  
“ this injured, insulted, and degraded, but nu-  
“ merous portion of the community, to think that  
“ any new order of things must end their injury,  
“ insult, and degradation, and is, therefore, de-  
“ sirable,—should be removed as soon as possible?  
“ Surely the removal of it must be as advantageous  
“ to the state, as it will be advantageous and  
“ gratifying to the persons individually benefited  
“ by it.

“ But this is not the only circumstance, which  
“ would make the repeal of the penal laws a general  
“ benefit to the state. Again we request you to  
“ consider the immense number of his majesty’s  
“ roman-catholic subjects, and the great proportion  
“ which it bears to the rest of the community. What  
“ a proportion of genius, of talent, of energy, of  
“ every thing else, by which individuals are enabled  
“ to distinguish themselves, and benefit and elevate  
“ their country, must fall to their share! But all  
“ this, for the present, is lost to you, in conse-  
“ quence of the penal codes. Is the subtraction  
“ of this prodigious mass of probable genius, talent  
“ and wisdom, from the general stock, no detri-  
“ ment to the state? Surely it is a national loss.  
“ Thus, while the penal code harasses the indi-

“vidual objects of its infliction, it contracts and  
“paralyzes, to an amazing degree, the strength,  
“powers and energies of the whole community.”

## 4.

“It is alleged, *that the roman-catholics of this*  
“*kingdom enjoy the most full and liberal toleration;*  
“*and that toleration is the utmost favour, to which*  
“*any non-conformist to the religion, established by*  
“*law, can reasonably aspire.*

“To this, we beg leave to answer, that tolera-  
“tion, rightly understood, is all we ask for by our  
“petition. But what is toleration, when the word  
“is rightly understood? If, after a government  
“has adopted a particular religion, decreed its  
“mode of worship to be observed in its churches,  
“and provided for its functionaries, from the funds  
“of the state, it leaves the non-conformist in com-  
“plete possession of all his civil rights and liber-  
“ties, the non-conformist enjoys a full and com-  
“plete toleration. But,—whenever the govern-  
“ment of a country represses other forms of reli-  
“gion, by subjecting those, who profess them, to  
“any deprivation or abridgment of civil right or  
“liberty, toleration is at an end, and persecution  
“begins.

“This is too plain a position to admit of con-  
“tradiction: the only question, therefore, is,—  
“Whether the pains and penalties, to which the  
“roman-catholics are still subject by the laws in  
“force against them, deprive them of any civil  
“right or liberty?

“ To meet this question fully, I shall consider  
“ how far the corporation act, which excludes us  
“ from corporations, and the test act, which ex-  
“ cludes us from civil and military offices, can be  
“ justly said to deprive us of a civil right. I prefer  
“ placing the question on these acts, because, by  
“ their own confession, it is the strongest hold of  
“ our adversaries, and because, in the discussion  
“ of that question, thus propounded, I shall advo-  
“ cate the cause of the protestant dissenters as  
“ much as our own.

“ Our common adversaries contend, that the  
“ exclusion of non-conformists by the test and  
“ corporation acts, from honourable and lucrative  
“ offices, is not a punishment, and therefore is not  
“ intolerance.

“ But, before the enactment of those statutes,  
“ were not all the subjects of this realm equally  
“ eligible, by the common law of the land, to every  
“ honourable and every lucrative office, which the  
“ state could confer? Is not eligibility to office a  
“ civil right? Does it not, therefore, necessarily  
“ follow, that every statute, which deprived non-  
“ conformists of their right or eligibility to office,  
“ deprived them of a civil right, and was therefore  
“ penal? If roman-catholics had been in possession  
“ of these offices, and deprived of them in conse-  
“ quence of their adherence to their religion by the  
“ statutes in question, some persons might have  
“ contended for the wisdom of the statutes; none  
“ could have contended that they were not highly  
“ penal. But, whatever difference there may be in

“ the *degree* of penal infliction, there is none in the  
“ *penal quality* of those statutes, which deprive  
“ persons of offices, and those which deprive them  
“ of their prior legal eligibility to them. The right  
“ of possessing an office, the right of succeeding  
“ to it, and the right of eligibility to it, are equally  
“ civil rights. There is no difference in this respect  
“ between offices and landed property—the right  
“ to possess an estate, to succeed to it, and to ac-  
“ quire it, are equally civil rights. The justice or  
“ policy of these laws is not now under our con-  
“ sideration—the simple question before us is,  
“ Whether eligibility to offices, and election into  
“ corporations, were not, by the common law, the  
“ civil right of every Englishman, and whether his  
“ being deprived of it was not a penal infliction?  
“ It is impossible to deny it. This infliction reaches  
“ every description of non-conformists to the esta-  
“ blished church :—their religion, therefore, is not  
“ tolerated—it is persecuted. On the policy, the  
“ justice, or degree of that persecution, there may  
“ be a difference of opinion ; but that, in some  
“ degree at least, it is a persecution, it is impossible  
“ to deny. Thus we seem to arrive at this unques-  
“ tionable conclusion, that, in point of fact, all  
“ non-conformists are persecuted. The difference  
“ between roman-catholics, and other non-con-  
“ formists, is, that roman-catholics are subject to  
“ pains and disabilities which do not affect any other  
“ description of non-conformists. The roman-catho-  
“ lics, therefore, are the most persecuted of all.  
“ Here then we close with our adversaries ; we

“ seek not to interfere with the established church  
 “ with her hierarchy, with her endowments, with  
 “ her tithes, with any thing else that contributes  
 “ to her honour, her comfort, or her security. Give  
 “ us but toleration in the true sense of that much  
 “ abused word, and we claim no more. By the  
 “ oath prescribed to the roman-catholics of Ireland,  
 “ by the 33d of his present majesty, the roman-  
 “ catholic swears—‘ That he will defend to the  
 “ ‘ utmost of his power, the settlement and arrange-  
 “ ‘ ment of property in that country, as established  
 “ ‘ by the laws now in being ; and he thereby dis-  
 “ ‘ claims, disavows, and solemnly abjures any  
 “ ‘ intention to subvert the present church esta-  
 “ ‘ blishment, for the purpose of substituting a ca-  
 “ ‘ tholic establishment in its stead ; and he solemnly  
 “ ‘ swears, that he will not exercise any privilege,  
 “ ‘ to which he is or may be entitled, to disturb and  
 “ ‘ weaken the protestant religion, and protestant  
 “ ‘ government in that kingdom.’ ”

## 5.

“ BUT it is suggested, that *though it should be*  
 “ *conceded, that all other non-conformists to the*  
 “ *church of England ought to be admitted to a free*  
 “ *and complete toleration, the roman-catholics should*  
 “ *be excluded from it, on account of their acknow-*  
 “ *ledgment of the supremacy of the pope.*

“ This admits of a very easy answer. The roman-  
 “ catholics certainly acknowledge the spiritual su-  
 “ premacy of the pope ; but they deny his temporal  
 “ authority. They acknowledge no right, either in

“ the pope, or in any council, to interfere in any  
“ manner in temporal concerns, or to interfere by  
“ any mode of temporal power, in concerns of a  
“ spiritual nature. By the oath prescribed to the  
“ English roman-catholics, by the 31st of his pre-  
“ sent majesty, we swear, that ‘ we do not believe  
“ ‘ that the pope of Rome, or any other foreign  
“ ‘ prince, prelate, state, or potentate, hath or ought  
“ ‘ to have any temporal or civil jurisdiction, power,  
“ ‘ superiority, or pre-eminence, directly or indi-  
“ ‘ rectly, within the realm.’

“ The Irish and Scottish roman-catholic subjects  
“ of his majesty take a similar oath. The answers  
“ given by the foreign universities to the questions  
“ proposed to them by the direction of Mr. Pitt,  
“ the doctrines laid down in all our catechisms,  
“ and other standard books of authority, express  
“ the same belief. In the oath taken by the Irish  
“ roman-catholics, they swear, that, ‘ it is not an  
“ ‘ article of the catholic faith, and that they are  
“ ‘ not thereby bound to believe or profess, that  
“ ‘ the pope is infallible ; or that they are bound  
“ ‘ to obey any order, in its own nature immoral,  
“ ‘ though the pope or any ecclesiastical power  
“ ‘ should issue or direct such an order ; but that,  
“ ‘ on the contrary, they hold it sinful in them to  
“ ‘ pay any regard to such an order.’

“ It is said, that the popes, on several occasions,  
“ have claimed and exercised the right of temporal  
“ power. We acknowledge it, and we lament it.  
“ But the fact is of little consequence ; no roman-  
“ catholic now believes, that either pope or council,

‘ or both pope and council acting together, have,  
 “ or ought to have, any right to interfere by any  
 “ form or mode, either of temporal or spiritual  
 “ power, in civil concerns ; or to interfere by any  
 “ form or mode of temporal power, in spiritual  
 “ concerns. This the Irish, Scottish, and English  
 “ roman-catholics have sworn, and they act up to  
 “ their oaths.”

## 6.

“ I PROCEED to another charge :—*It is asserted*  
 “ *to be a tenet of our faith, or, at least, a received*  
 “ *opinion among us, that the pope or the church has a*  
 “ *right to absolve subjects from their allegiance to*  
 “ *their sovereign.*

“ But this doctrine has been most solemnly ab-  
 “ jured by us, in the oaths which we have taken  
 “ to government. It is disclaimed by the opinions  
 “ of the foreign universities : and pope Pius the  
 “ sixth proscribed it, by his rescript of the 17th of  
 “ June 1791.”

## 7.

“ THE same may be said of the *charge brought*  
 “ *against us, of holding it lawful to kill any sove-*  
 “ *reign, or any private person under excommunica-*  
 “ *tion.* This doctrine is also disclaimed by us, in  
 “ our oaths, as ‘ unchristian and impious ;’ it is  
 “ disclaimed in terms, equally strong, in the an-  
 “ swers of the foreign universities ; and pope Pius  
 “ the sixth, in his rescript of 1791, solemnly de-  
 “ clares such a murder ‘ to be a horrid and detest-  
 “ able crime.’ ”



## 8.

“ THE same answer may also be given to the  
“ charge, of its being a *tenet of our church, that it*  
“ *is lawful to break faith with heretics.* In our  
“ oaths we disclaim that doctrine also, ‘ as impious  
“ ‘ and unchristian ;’ and the terms, in which it is  
“ disclaimed in the answers of the foreign univer-  
“ sities, are equally strong. But, without entering  
“ farther on the subject of this charge, we make  
“ this solemn appeal upon it, to the feelings and  
“ common sense of every reader of these pages :—  
“ Does not the single circumstance of our being,  
“ after the lapse of two hundred years, petitioners  
“ to parliament for the repeal of the penal and  
“ disabling laws, to which we are subject, in con-  
“ sequence of our not taking oaths, the taking of  
“ which would, at once, have delivered us from all  
“ these penalties and disabilities, prove, beyond  
“ all exception and argument, that we do not be-  
“ lieve the existence of any power which can dis-  
“ pense with the obligation of an oath ?

“ On this head, I beg leave to add my own tes-  
“ timony :—Having, in almost every stage of life,  
“ lived in habits of acquaintance or intimacy with  
“ all descriptions of roman-catholics ; the young,  
“ the old, the literate, the illiterate, foreigners and  
“ natives, ecclesiastic and secular, I never knew  
“ one who did not hear the charge in question with  
“ indignation, and treat it is an execrable calumny.

“ But it is said, that the council of Lateran as-  
“ sumed a right to temporal power, and that the  
“ council of Constance authorized the violation of

“ the safe conduct granted to John Huss. Both  
 “ those facts are positively denied by the roman-  
 “ catholics. (See the late Dr. Hay’s *Answer to*  
 “ *William Abernethy Drummond*; *Edin.* 1778).  
 “ This is not a place for discussing the point—but,  
 “ what does it signify?—If the council of Lateran  
 “ claimed for the pope, or itself, a right to temporal  
 “ power, it did wrong; if the council of Constance  
 “ authorized the violation of the safe conduct, it  
 “ did infamously :—and there’s an end of it.”

## 9.

“ HAVING had frequent occasion to mention in  
 “ these pages, *the answers of the foreign universities*  
 “ *to certain questions, proposed to them by the direc-*  
 “ *tion of Mr. Pitt*, the reader will probably wish  
 “ to be better informed of the circumstances at-  
 “ tending the transaction.”

These having been already fully detailed, and the questions and answers being inserted, at length, in the Appendix\*, we omit, in this place, what is said, respecting them, in the Address.

“ But,”—continues the address, “ it should be  
 “ added, that the foreign universities not only dis-  
 “ claim, in their opinions, the noxious tenets im-  
 “ puted to them, but also assert, most explicitly,  
 “ that they never were the tenets of the roman-  
 “ catholic church.”

## 10.

“ IT is also objected to the roman-catholics, that  
 “ it is *an article of their faith, or, at least, that they*

\* Appendix, Note II, vol. i. p. 439.

“ *consider it to be lawful, to persecute heretics for*  
“ *their religious opinions.* All this the roman-catho-  
“ lics most explicitly deny, and they consider it to  
“ be completely denied in the solemn disclaimers  
“ made by them in all their oaths, of the direct or  
“ indirect right of the pope or the church to tem-  
“ poral power ; as, without temporal power, per-  
“ secution cannot subsist.

“ They admit, that many persons of their com-  
“ munion, both ecclesiastic and secular, have, at  
“ different times, been guilty of the crime of reli-  
“ gious persecution ; but they blame the conduct  
“ of those persons as severely, as it is blamed by  
“ their protestant brethren.

“ They also plead a tremendous set-off. The  
“ massacre of Paris, on St. Bartholomew’s day,  
“ was most horrid : but it had been preceded by  
“ the atrocities, full as horrid, of the anabaptist  
“ protestants at Munster. To the burnings in  
“ the reign of queen Mary the roman-catholics  
“ oppose the executions of priests in the reigns of  
“ queen Elizabeth, and the three first princes of the  
“ house of Stuart : they apprehend, that more can-  
“ not be said against the revocation of the edict of  
“ Nantes\*, than against the deprivation of two

\* No person can more sincerely condemn the revocation of the edict of Nantes, than the writer of these pages : it was unjust, impolitic, and a breach of public faith ; but the crime and folly of it should not be exaggerated.

It is generally supposed that the edict of revocation ordered all the protestants to quit France ; but, with the exception of the ministers, the reverse is the fact. The edict expressly directed, that, “ until it should please God to enlighten them,

“ thousand presbyterian ministers of their livings,  
 “ by the act of uniformity. They also bring into  
 “ the protestants might remain in the kingdom, continue their  
 “ commerce, and enjoy their property, without molestation or  
 “ hindrance on account of their religion.” As soon as the disposition to emigrate was observed, great precautions to prevent it were used. But the ministers of the protestant churches were ordered to quit the kingdom, all public exercise of their religion was denied to the protestants, and as they were prohibited to solemnize marriage, except according to the rites of the catholic church, marriage was virtually interdicted to them. This was a tremendous persecution, and an urgent motive to emigrate. It should not, however, be forgotten, that there was not a protestant state, which had not enacted severer laws against their catholic subjects.

It may be added, that the number of those, who quitted France, in consequence of the edict, has been much exaggerated. Rabaut de St. Etienne, (*Assemblée Constituante, dixième édition*, p. 17), computes them at 500,000 or 600,000. The king of Prussia, (*Mémoires de la Maison de Brandenburgh*), computes them at 400,000. Basnage, (*Unité de l'Eglise*, p. 120), computes them at 300,000 or 400,000,—such expressions are too vague, to be entitled to any credit. La Martinière, (*Histoire de Louis Quatorze*, l. 6. p. 327), computes them at 300,000. Larrey, (*Histoire d'Angleterre*, tom. iv. p. 664), and Bênoist, (*Histoire de la Révocation de l'Edit de Nantes*, part v. p. 1014), computes them at 200,000. All these writers are protestants. Two roman-catholic writers considerably lessen the number: the duke of Burgundy, in a memoir, printed by M. Proyart, (*Vie du Duc de Bourgogne*, tom. ii. p. 208), declares, that, after much inquiry, the number, by the most exaggerated calculation, was found to amount to 67,732; and previously to the publication of this memoir, the abbé Caveyrac, in his *Apologie de Louis Quatorze et de son Conseil, sur la Révocation de l'Edit de Nantes*, p. 72, contends, certainly with great plausibility, that the number did not reach 50,000. Four circumstances,—the severe precautions used to prevent the emigration,—the small amount of the property of the emigrants,

“ account Oates’s plot; the sentence of death  
 “ passed on Servetus for errors against the Trinity,  
 “ through the influence of Calvin, his execution,  
 “ and the justification of it by two of the principal  
 which was confiscated;—the number of protestants who  
 remained in France,—and the lenient measures soon adopted  
 by the court,—add greatly to the probability of the two last  
 calculations.—To his immortal honour, Lewis the sixteenth, by  
 his edict of the 17th of November 1787, accorded to all his  
 non-catholic subjects, the full and complete enjoyment of all  
 the rights of his roman-catholic subjects. On a division in  
 the parliament, this edict was registered by a majority of 96  
 votes against 16. A very good, and the writer believes,  
 a candid account of this edict of revocation, is given by  
 M. Baussét, in his *Life of Bossuet*, tom. iv. liv. 11.

This persecution of the huguenots was condemned by the  
 greatest and best men in France. M. d’Aguésseau, the fa-  
 ther of the celebrated chancellor, resigned his office of intend-  
 ant of Languedoc, rather than witness it. His son repeatedly  
 mentions it with abhorrence. Fenelon, Flechier and Bossuet,  
 confessedly the ornaments of the Gallican church, lamented  
 it. To the utmost of their power, they prevented the execu-  
 tion of the edict, and softened its severities, when they could  
 not prevent them. M. Baussét, in his *Life of Bossuet*, tom. iv.  
 p. 141, says, that “ all the papers of Bossuet and his secre-  
 “ tary had been under his eyes;” and that “ he found Bos-  
 “ suet invariably of opinion, that no other means but kindness,  
 “ instruction and beneficence should be employed in re-uniting  
 “ protestants to the church of Rome :” and that, “ there was  
 “ not a single circumstance, which showed, that he took any  
 “ part in any measure that preceded, or in any that immediately  
 “ followed, the revocation of the edict of Nantes.”—In con-  
 formity to these principles, “ government,” (*ibid.* 83), “ by  
 “ the direction of Bossuet, printed at the public expense,  
 “ 50,000 copies of the translation of the New Testament, by  
 “ father Amelotte, and the same number of the prayers of  
 “ the liturgy, translated into French. By the king’s order  
 “ they were distributed in the provinces.”

“ pillars of the reformed church, Melancthon and  
 “ Beza. Between those enormities it is not easy  
 “ to strike a balance. But the roman-catholics  
 “ may justly ask, by what principle of justice, or by  
 “ what fair course of reasoning, the protestant is  
 “ authorized to ascribe the instances of persecution,  
 “ which he proves on roman-catholics, to a princi-  
 “ ple of the roman-catholic creed, unless he allows  
 “ at the same time, that the instances of persecu-  
 “ tion, which the catholic proves in the protestant  
 “ church, are equally attributable to some principle  
 “ of the protestant creed. ‘ Brother, brother,—  
 “ (say two known characters on the stage),—we  
 “ have both been in the wrong.’—Let us learn  
 “ wisdom from them ; let us no more upbraid one  
 “ another with our common failings ; let us forget  
 “ and forgive, bury all past animosities in oblivion,  
 “ shake hands and be friends. This is the only  
 “ rational mode of closing this, by far the most  
 “ disgusting and disgraceful of all our contro-  
 “ versies.”

## 11.

“ ANOTHER charge is brought against us by our  
 “ adversaries, in consequence of the *doctrines im-*  
 “ *puted to us respecting sacerdotal absolution.* We  
 “ are said to believe that the mere absolution of a  
 “ priest, without any thing on our part, is a full  
 “ remission of sin. In answer to this we shall  
 “ only transcribe the following passage from the  
 “ book of prayers for the use of catholics serving  
 “ in fleets and armies :—‘ You know, from the  
 “ ‘ catechism you have learnt, and the books of

“ ‘ catholic instruction you have read, that the ab-  
 “ ‘ solution of a priest can be of no benefit to you,  
 “ ‘ unless you be duly disposed to a reconciliation  
 “ ‘ with your offended God by true faith, by a  
 “ ‘ sincere sorrow for all your sins, by a firm reso-  
 “ ‘ lution never to commit them again, and by a  
 “ ‘ willingness to satisfy God and your neighbour  
 “ ‘ also, as far as justice requires. Without those  
 “ ‘ dispositions on your part, the act of the priest  
 “ ‘ would not be ratified in heaven; you would  
 “ ‘ be guilty of the profanation of the sacrament  
 “ ‘ of penance, and provoke the indignation of the  
 “ ‘ Almighty, instead of obtaining his mercy.’

“ It is not a little remarkable, that a canon of  
 “ the English church, in 1608, enjoining the priest  
 “ not to make known to any one what had been  
 “ revealed to him, bears such a similitude to the  
 “ roman-catholic doctrine on this head, that when  
 “ it was produced by sir John Cox Hippisley in  
 “ the house of commons, Mr. Wilberforce inter-  
 “ rupted him, by saying, that it was a canon, not  
 “ of the English but the romish church, and ex-  
 “ pressed his astonishment when sir John showed  
 “ it to be one of the most recent canons, which had  
 “ been formed for the government of the established  
 “ church.”

## 12.

“ ONE of the objections most strongly urged  
 “ against the roman-catholics, is *the tenet imputed*  
 “ *to them, that none are saved out of their commu-*  
 “ *nion.*

“ I beg leave not to enter into a discussion of

“ this objection, as it cannot be urged to us—by a  
 “ *protestant of the established church of England,*  
 “ as the Athanasian creed forms a part of her  
 “ liturgy ;—or, by a *protestant of the established*  
 “ *church of Scotland,* as the protestants of that  
 “ church, in their professions of faith of 1568, say,  
 “ that ‘ out of the church there is neither life nor  
 “ ‘ everlasting happiness ;’—or, by a *protestant of*  
 “ *the French huguenot church,* as in their cate-  
 “ chism, on the tenth article of the creed, they  
 “ profess, that ‘ out of the church there is nothing  
 “ but death and damnation\*.’ ”

\* “ Roman-catholics hold, 1st. That whatever be the reli-  
 “ gious belief of the parents of a person who is baptized, and  
 “ whatever be the faith of the person who baptizes him, he  
 “ becomes, in the instant of his baptism, a member of the holy  
 “ catholic church, mentioned in the Apostles creed :—2dly,  
 “ That he receives, on his baptism, justifying grace and justify-  
 “ ing faith :—3dly, That he loses the former, by the commis-  
 “ sion of any mortal sin :—4thly, That he loses the latter, by  
 “ the commission of a mortal sin against faith, but does not  
 “ lose it by the commission of a mortal sin of any other kind :—  
 “ 5thly, That, without such wilful ignorance, or wilful error,  
 “ as amounts to a crime, in the eye of God, a mortal sin against  
 “ faith is never committed :—and, 6thly, That, except in an  
 “ extreme case, no individual is justified in imputing, even  
 “ in his own mind, this criminal ignorance or criminal error to  
 “ any other individual.

“ I extract these propositions from ‘ *Charity and Truth,*’ a  
 “ work of the greatest authority among roman-catholics, and  
 “ recently republished, under the sanction of the venerable  
 “ prelates of the roman-catholic church in Ireland.

“ Such then, being the tenets of the roman-catholic church,  
 “ on this important point, may it not be confidently asked,—  
 “ if they are not conformable to the gospel ? And if a greater  
 “ conformity, in this respect, to the doctrine of the sacred  
 “ volume, is to be found in the tenets of any other church ?”



## 13.

“ THIS leads us to observe, that *passages are*  
“ *often cited from the works of roman-catholic wri-*  
“ *ters, which express that the roman-catholic religion*  
“ *has always been the same; and that those, who say*  
“ *that the modern roman-catholics differ in one iota*  
“ *from their predecessors, either deceive themselves,*  
“ *or wish to deceive others.* These passages have  
“ been cited to prove, that, whatever doctrine any  
“ pope, or ecclesiastical body, or any writer of  
“ approved authority, has maintained or sanctioned  
“ in former times, is universally approved of by  
“ the modern catholics. But this is a very unjust  
“ perversion of the meaning of the writers, from  
“ whose writings these passages, or passages of  
“ a similar import, are cited. Not one of them  
“ approves of any act of temporal power, which  
“ the pope or any body of churchmen have ever  
“ claimed in right of their spiritual character. In  
“ the cited passages, the writers mean to assert no  
“ more, than that the faith and essential discipline  
“ of roman-catholics have always been what they  
“ now are. But they admit that the resort of the  
“ popes, or of any other ecclesiastics to temporal  
“ power, for effecting the object of their spiritual  
“ commission, was not only no part of the faith  
“ or essential discipline of the church, but was  
“ diametrically opposite to its faith and discipline.  
“ The passages, therefore, to which we allude,  
“ can never be brought to prove the position for  
“ which they are quoted. To urge them for such

“ a purpose, is evidently a gross perversion of their  
“ meaning\*.”

\* *No doctrines should be ascribed to the catholics, as a body, except such as are articles of their faith.* On this important position, the writer thus expresses himself in his *Essay on the discipline of the church of Rome, respecting the general perusal of the Scriptures in the vulgar tongue by the Laity*.—Inserted in the author’s “ *Confessions of Faith*,” p. 141, and vol. iv. of his works, p. 191.

“ In addition to the excellent rules for controversy, laid down by Dr. Hey, I beg leave to suggest the particular observance of the following rule in all religious controversies with roman-catholics :—‘ *That no doctrines should be ascribed to them, as a body, except such as are articles of their faith.*’—Of the many misconceptions of their tenets, of which the roman-catholics complain, they feel none more than those, which proceed from the want of observance of this rule. It is most true, that the roman-catholics believe the doctrines of their church to be unchangeable : and that it is a tenet of their creed, that what their faith ever has been, such it was from the beginning, such it now is, and such it ever will be. But this they confine to the articles of their faith ; and they consider no doctrine to be of faith, unless it have been delivered by divine revelation, and been propounded, as such, by the church. This the roman-catholics wish their adversaries never to forget.

“ When any of their adversaries find, in any catholic writer, a position which he thinks reprehensible, he should inquire, whether it be an article of catholic faith, or an opinion of the writer. In the latter case, he should reflect that the general body of the catholics is not responsible for it, and should therefore abstain from charging it upon the body.

“ If he take the higher ground, he should first endeavour to ascertain, that it is an article of the roman-catholic faith.—But here, again, he should carefully examine, whether it be the principle itself, which he means to impute to the catholics, or a consequence which he deduces from it. These are widely different, and should never be confounded. If it be the prin-

## 14.

“ I SHALL only notice one further objection :—  
 “ *The supposed immensity of the distance, between*  
 “ *the creed of the established, and the creed of the*

ciple, he should then inquire, whether it have ever been propounded to them, as an article of faith, by the church. A wise method of ascertaining this, would be, to read the ‘ *Catechism of the Council of Trent.*’ A proper perusal, however, of that work, requires attentive study : if he be unable to give it such a perusal, let him read Bossuet’s ‘ *Exposition of Faith ;*’ and consult, (if not the work itself), at least the abridgment of Mr. Gother’s ‘ *Papist Misrepresented and Represented :*’ let him also read Dr. Challoner’s ‘ *Three Short Summaries of Catholic Faith and Doctrine,*’ prefixed to his ‘ *Garden of the Soul,*’ the most popular prayer-book of the English catholics. Having read these, let him ascertain, whether the doctrine, with which he charges the catholics, be, in terms or substance, stated in any of them, to be an article of their faith. If he conceive that it is stated, in any of them, to be such, let him insert, in his publication, the passage, in which he professes to discover it, mentioning explicitly the work, the edition of it, and the page in which it is to be found. Should the passage be found, in terms or substance, in any of the works I have mentioned, then it will be incumbent on the catholics, either to show that the writer, in whose work the passage is found, was mistaken, (which, from the acknowledged character of all the works I have mentioned, will not, I think, ever happen), or to admit, that it is an article of their faith ; and then the roman-catholics will be justly chargeable with it. Whatever other opinions can be adduced, though they be the opinions of their most respectable writers, though they be the opinions of the fathers of their church, still they are but matters of opinion, and a catholic may disbelieve them, without ceasing to be a catholic. Would it not be both a fair and a short way of ending the controversy between the protestants and catholics, that every person who charges the general body of catholics with any reli-

“ *roman-catholic church ; from which, it is inferred,*  
 “ *that there always must be a spirit of religious dis-*  
 “ *cord, and never a communion of civil rights between*  
 “ *the members of them.*—To this, the experience of  
 “ mankind gives a clear answer,—if you remove  
 “ persecution, you remove discord. If you do not  
 “ compel a person to enter your church, he will  
 “ shake hands with you at the door of it: and many  
 “ years will not pass away before you will meet in  
 “ the better church.

“ But is the difference between the churches  
 “ really as great as it is generally thought?—The  
 “ divine precept, that we should love our neigh-  
 “ bour as ourselves, is equally recognized by pro-  
 “ testants and roman-catholics. They are equally  
 “ willing to have their conduct, on every occasion  
 “ of life, tried by that golden rule. What further  
 “ can *government* require, on the moral code of  
 “ her subjects ?

“ In respect to their religious code,—All chris-  
 “ tians agree, 1st. that there is one God ; 2dly,  
 “ that he is a Being of infinite perfection ; 3dly,  
 “ that he directs all things, by his providence ;  
 “ 4thly, that it is our duty to love God, with all  
 “ our hearts ; 5thly, that it is our duty to repent  
 “ of our sins ; 6thly, that God pardons the truly  
 “ penitent ; 7thly, that there is a future state of

gious tenet, should be obliged to cite from the catechism of  
 the council of Trent, or from one or other of the works I have  
 mentioned, of Bossuet, Mr. Gother, or Dr. Challoner, the pas-  
 sage in which such tenet is contained, and propounded as an  
 article of faith?

“ rewards and punishments, where all mankind  
“ shall be judged according to their works; 8thly,  
“ that God sent his Son into the world, to be its  
“ Saviour, the author of eternal salvation to all that  
“ obey him; 9thly, that he is the true Messiah;  
“ 10thly, that he worked miracles, suffered, died  
“ and rose again, as is related in the four gospels;  
“ and 11thly, that he will, hereafter, make a second  
“ appearance on the earth, raise all mankind from  
“ the dead, judge the world in righteousness, be-  
“ stow eternal life on the virtuous, and punish the  
“ workers of iniquity.

“ In the belief of these articles, all christians,  
“ roman-catholics, lutherans, calvinists, arminians,  
“ and socinians, are agreed. In addition to these  
“ articles, each division and subdivision of chris-  
“ tians has its own tenets. Now, let each settle  
“ among its own members, what are the articles  
“ of belief peculiar to them, which, in their cool,  
“ deliberate judgment, they consider as absolutely  
“ necessary that a person *should* believe to be a  
“ member of the church of Christ; let these articles  
“ be divested of all foreign matter, and *expressed*  
“ in perspicuous, exact, and unequivocal terms;  
“ and above all, let each distinction of christians  
“ earnestly wish to find an agreement between  
“ themselves and their fellow christians:—the result  
“ of a discussion, conducted on this plan, would  
“ most assuredly be, to convince all christians, that  
“ the essential articles of religious credence, in  
“ which there is a real difference amongst chris-  
“ tians, are not very numerous; and that, if the

“ re-union of christians be no more than a golden  
 “ dream, the possible approximation to it is nearer  
 “ than is generally supposed.

“ And, after all, is the re-union of the roman-  
 “ catholic and protestant churches, *absolutely* im-  
 “ possible?—Bossuet, the glory of the roman-  
 “ catholic church, and her ablest champion, thought  
 “ it was not.—Towards the end of the 17th cen-  
 “ tury, the emperor Leopold, and several princes  
 “ in Germany, conceived a project of reuniting  
 “ the roman-catholic and Lutheran churches. In  
 “ consequence of it, a correspondence took place  
 “ between Bossuet, on the part of the roman-  
 “ catholics, and Molanus and Leibniz, on the part  
 “ of the Lutherans. Molanus was director of the  
 “ protestant churches and consistories of Hanover;  
 “ Leibniz was a member of the Aulic council. In  
 “ the exact sciences, he was inferior to Newton  
 “ alone; in metaphysics, he had no superior; in  
 “ general learning, he had scarcely a rival; in the  
 “ theological disputes of the times, he was singu-  
 “ larly conversant. The correspondence between  
 “ these great men, on the subject of the re-union,  
 “ may be seen in the *Œuvres Posthumes de Bos-*  
 “ *suet, vol. i.; Nouvelle Edition des Œuvres de*  
 “ *Bossuet, vol. xi.; Leibnizii Opera, studio Lud.*  
 “ *Dutens, vols. i. & v.; and the Pensées de Leib-*  
 “ *niz, 2 vols. 8vo.* Every word of the correspond-  
 “ ence deserves the perusal both of the scholar  
 “ and the divine. A short view of it is given, in  
 “ the *Account of the Life and Writings of Bossuet,*  
 “ recently published by the writer of these pages.

“ It continued during ten years:—I shall transcribe  
 “ from it, the two following passages, from the  
 “ letters written by Bossuet to Leibniz. ‘ The  
 “ ‘ council of Trent,’ he says, in one of them, ‘ is  
 “ ‘ our stay ; but we shall not use it to prejudice  
 “ ‘ our cause. We shall deal more fairly with  
 “ ‘ our opponents. We shall make the council  
 “ ‘ serve for a statement and explanation of our  
 “ ‘ doctrines. Thus, we shall come to an explana-  
 “ ‘ tion on those points, in which either of us im-  
 “ ‘ putes to the other, what he does not believe,  
 “ ‘ and, on which we dispute, only because we  
 “ ‘ misconceive each other. This may lead us far :  
 “ ‘ *for, Molanus has actually conciliated the points,*  
 “ ‘ *so essential, of justification and the eucharist.*  
 “ ‘ *Nothing is wanting to him, on that side, but*  
 “ ‘ *that he should be avowed. Why should we not*  
 “ ‘ *hope to conclude, in the same manner, disputes*  
 “ ‘ *less difficult, and of less importance ?*’ The letter,  
 “ from which the passage is extracted, was written  
 “ in an early stage of the controversy: what might  
 “ not be hoped from such a spirit of good sense  
 “ and conciliation!—The letter, from which the  
 “ following passage is extracted, was written in  
 “ the tenth year of the correspondence: and I feel;  
 “ that every reader of these pages will lament,  
 “ with me, that it is the last letter in the corres-  
 “ pondence. ‘ Among the divines of the confession  
 “ ‘ of Augsburgh,’ says Bossuet, ‘ I always placed  
 “ ‘ M. Molanus in the first rank, as a man whose  
 “ ‘ learning, candour and moderation, made him  
 “ ‘ one of the persons the most capable, I have

“ ‘ ever known, of advancing the NOBLE PROJECT  
 “ ‘ OF RE-UNION. In a letter, which I wrote to  
 “ ‘ him, some years ago, by the count Balati, I as-  
 “ ‘ sured him that, *if he could obtain the general*  
 “ ‘ *consent of his party, to what he calls his Cogi-*  
 “ ‘ *tationes Privatae, I promised myself, that by*  
 “ ‘ *joining to them, the remarks, which I sent to*  
 “ ‘ *him, on the Confession of Augsburgh, and the*  
 “ ‘ *other symbolic works of the protestants, the work*  
 “ ‘ *of the re-union would be perfected, in all its most*  
 “ ‘ *difficult and most essential parts; so that well*  
 “ ‘ *disposed persons might, in a short time, bring it*  
 “ ‘ *to a conclusion\*.*’ ”

## 15.

“ SUCH, then, being the charges brought against  
 “ the roman-catholics by their adversaries, and such  
 “ being the defence made by the roman-catholics  
 “ to them, will not every candid protestant admit,  
 “ that the unfavourable opinion, which some still  
 “ entertain of the civil and religious principles of  
 “ roman-catholics, is owing, in a great measure, to  
 “ prejudice ?

“ But we have the satisfaction to find, that *the*  
 “ *prejudice against us decreases rapidly.* With the  
 “ mildness and good sense, which distinguishes his  
 “ respectable character, the earl of Liverpool thus  
 “ expressed himself, in his speech in the debate of

\* See the “ *Essay on the Re-union of Christians,*” printed in the writer’s “ *Historical and Literary Account of the Formularies, Confessions of Faith, and Symbolic Books of the Roman-catholic, Greek, and principal Protestant Churches.*”



“ the house of lords, on the petition presented by  
 “ the Irish catholics in 1810.—‘ *I have heard allu-*  
 “ ‘ *sions made this night, to doctrines, which I do*  
 “ ‘ *hope no man now believes the catholics to enter-*  
 “ ‘ *tain: nor is there any ground for an opinion*  
 “ ‘ *that the question is opposed under any such pre-*  
 “ ‘ *tence. The explanations which have been given*  
 “ ‘ *on this head, so far as I know, are completely*  
 “ ‘ *satisfactory, and the question as it now stands is*  
 “ ‘ *much more narrowed than it was on a former dis-*  
 “ ‘ *cussion*’.—How very little beyond this decla-  
 “ ration, and a legislative enactment in conse-  
 “ quence of it, do the roman-catholics solicit!

“ Lincoln’s-Inn,

“ CHARLES BUTLER.”

“ Feb. 5, 1813.

#### LXXXIX. 2.

#### *The Petitions presented by the English Catholics to both Houses of Parliament.*

DURING the period, which is the subject of the preceding chapter, the English catholics presented several petitions for relief; but, from deference to the Irish catholics, whose vast superiority in number was justly thought to give them an unquestionable right to take the lead in the question of emancipation, the English catholics uniformly avoided a separate discussion of their own case. Care, however, was always taken, that, when their petitions were presented, some personage of high con-

\* “ See his Lordship’s Speech, printed and published by Keating and Booker.”

sideration in the house, should explain the situation of the English catholics to the house, and attract the attention of the members to it. By earl Grey and Mr. Elliot this was repeatedly done, with equal propriety, elegance, and effect.

The petition presented by them in 1810, being expressed much more at length, than any other of their petitions, and containing every thing suggested in them, we shall insert it in this place.

*Petition of the roman-catholics of England, presented to the house of lords, on Thursday February 22d, 1810, by the right honourable earl Grey; and to the house of commons by the right honourable William Wyndham.*

“ To the right honourable the lords spiritual  
 “ and temporal of the united kingdom of  
 “ Great Britain and Ireland in parliament  
 “ assembled :

“ WE, whose names are underwritten, roman-  
 “ catholics of England, humbly beg leave to repre-  
 “ sent to your honourable house,

“ That, at the time of his majesty's accession to  
 “ the throne, the laws in force, against his English  
 “ roman-catholic subjects, deprived them of most  
 “ of the rights of Englishmen, and of several of the  
 “ common rights of mankind :

“ That, by the acts of the 18th and 31st years of  
 “ his majesty's reign, several of the penalties and  
 “ disabilities, under which the English roman-  
 “ catholics laboured, were removed :

“ That the English roman-catholics are most  
“ grateful for the relief granted them by these acts,  
“ and have taken and subscribed the oaths and  
“ declarations contained in them :

“ That their conduct hath been conformable to  
“ their professions ;—in peaceable submission to  
“ the laws, and in the discharge of moral or civil  
“ duty, they have not been exceeded by any of his  
“ majesty’s subjects ; they have served him effec-  
“ tively and honourably in his fleets and armies :  
“ there never has been a call upon Englishmen to  
“ do their duty, which the English roman-catholics  
“ have not been forward to answer :

“ That several penal and disabling laws are yet  
“ in force against them :—They are not equally  
“ entitled, with their fellow subjects, to vote at the  
“ election of any member of the house of commons ;  
“ they are excluded from a seat in either house of  
“ parliament ; they are not admissible into corpo-  
“ rations ; every civil and military office is denied  
“ them ; every laudable object of ambition, all  
“ that elevates a man among his fellow subjects,  
“ all hopes of public distinction, all means of at-  
“ tracting the notice of their country, or the favour  
“ of their sovereign, are placed without their reach :

“ The more they deserve of their country, the  
“ more sensibly their country makes them feel this  
“ exclusion. In the ranks, she suffers them to  
“ fight her battles, but to them victory is without  
“ its reward ; promotion is wholly denied them ;  
“ no services can advance, no merit enable them  
“ to profit of their country’s favour :

“ Even in their humble situation of private sol-  
“ diers, the law follows them with pains and pe-  
“ nalties. By the articles of war, if soldiers refuse  
“ to attend the religious worship of the established  
“ church, they are punishable by fine, imprison-  
“ ment, and death. Thus the English catholic  
“ soldiers are incessantly exposed to the cruel  
“ alternative of either making a sacrifice of their  
“ religion, or incurring the extreme of legal pu-  
“ nishment; than which, your petitioners humbly  
“ conceive, there never has been, and cannot be a  
“ more direct religious persecution. To an alter-  
“ native, equally oppressive, the English roman-  
“ catholics are exposed on their marriages; the  
“ law requires, for the legal validity of a marriage  
“ in England, that it should be celebrated in a  
“ parish church; as roman-catholics believe mar-  
“ riage to be a sacrament, the English roman-  
“ catholics naturally feel great repugnance to a  
“ celebration of their marriages in other churches  
“ than their own :

“ They are cruelly debarred from any means,  
“ which their fellow subjects possess, of providing  
“ for their families, by employments of honour or  
“ emolument; so that, while they bear their full  
“ share of the general contribution to the wants of  
“ the state, they are denied even a hope of partici-  
“ pating in those advantages, by which the burden  
“ of their fellow subjects is alleviated :

“ In other occurrences of life, the law has the  
“ same humiliating and depressing operation on  
“ your petitioners :—thus, every roman-catholic

“ subject of his majesty, is forced below his fair  
“ line in society, and the general body is a marked  
“ and insulated cast.

“ Yet the roman-catholics form more than one  
“ fourth of the whole mass of the subjects of the  
“ united empire—whatever there is of genius, of  
“ talent, or of energy among them, is absolutely  
“ lost for public use ; and this, at a time, when  
“ the united empire is engaged in a conflict, for-  
“ midable beyond example ; and it therefore seems  
“ important, if not essential to her preservation,  
“ that she should call into action, without qualifi-  
“ cation or limit, or any religious test or declara-  
“ tion, the genius, talents, and energies of all her  
“ subjects :

“ It is true, that your petitioners profess some  
“ religious principles, which are not professed by  
“ the established church ; and to this, and to this  
“ only, their refusal of certain tests, oaths, and  
“ declarations is owing, which subjects them to  
“ the pains and disabilities they complain of ; but  
“ none of the principles, which occasion their re-  
“ fusal, affects their moral, civil or political inte-  
“ grity ; and your petitioners humbly submit to  
“ your honourable house, that no principle, which  
“ leaves moral and political integrity unimpaired,  
“ is a proper object of religious persecution. Be-  
“ sides,—the whole creed of your lordships peti-  
“ tioners was once the creed of the three kingdoms  
“ —it is the actual creed of four-fifths of Ireland,  
“ and of much the greater part of Europe. It was  
“ the creed of those, who founded British liberty

“ at Runymeade, who conquered at Cressy, Poic-  
“ tiers, and Agincourt:—Among those, who re-  
“ pelled and annihilated the Spanish Armada,  
“ none bore a nobler part than those by whom  
“ this creed was professed. In all these achieve-  
“ ments, in every other scene, in which the ancient  
“ valour, or ancient wisdom of this country has  
“ been displayed, the ancestors of several of your  
“ petitioners have been distinguished. Their creed  
“ did not lessen their zeal for their king and coun-  
“ try—it does not lessen that of their descendants.

“ Every disloyal or immoral principle, which  
“ malice or credulity has imputed to them, your  
“ petitioners have solemnly and repeatedly dis-  
“ claimed; they believe there does not now exist  
“ an honourable man, who imputes these principles  
“ to them: they have sworn to be faithful, and bear  
“ true allegiance to his majesty, and have acted  
“ up to their professions; they most confidently  
“ appeal to this right honourable house, and to the  
“ whole empire, whether in loyalty to his majesty;  
“ attachment to the constitution, or zeal for their  
“ country’s good, they are not equal, and are not  
“ universally known and acknowledged to be equal;  
“ to his majesty’s other subjects:—

“ Therefore,—conscious of the truth of these  
“ representations, and with the most perfect reli-  
“ ance on the wisdom and justice of your honour-  
“ able house,

“ Your lordships petitioners humbly pray for a  
“ total repeal of every test, oath, declaration, or  
“ provision, which has the effect of subjecting them

“ to any penalty or disability whatsoever, on account of their religious principles.”

Signed,

William Gibson, vicar-apost.	Clifford,
John Douglas, vicar-apost.	William Gerard, bart.
John Milner, vicar-apost.	Edward Hales, bart.
Peter Collingridge, vicar-apost.	Henry Englefield, bart.
	Thomas Vavasour, bart.
William Pointer, coadjutor,	John Throckmorton, bart.
Thomas Smith, coadjutor,	Edward Blount, bart.
Shrewsbury,	Windsor Hunloke, bart.
Newburgh,	Carnaby Haggerstone, bart.
Fauconberg,	Richard Bedingfield, bart.
Stourton,	Thomas Stanley, bart.
Petre,	Thomas Gage, bart.
Arundell,	John Lawson, bart.
Dormer,	Pierce Mostyn, bart.

And upwards of eight thousand gentlemen and others, including near three hundred clergymen.

The presenting of this petition in the house of commons, was one of the last services which Mr. Wyndham rendered to the catholic cause. A few hours before he died, he wrote to the secretary of the British catholic board, a letter in which he expressed a warm wish for the success of the measure ; but intimated, in terms, not then understood, but soon too clear, that he feared he should never again have the pleasure of advocating it. From the patronage of such men, any cause must derive honour.—The writer, therefore, has singular pleasure, in transcribing for the perusal of the reader, the speech made by Mr. Wyndham, when he presented a former catholic petition.

“ I have a petition to present, into the merits of  
“ which it is not now my intention to go : it re-  
“ spects a body of people, who labour under op-  
“ pressions of peculiar severity ; I mean the roman-  
“ catholics of England.

“ I admit the right of states to impose religious  
“ restrictions upon the people, but that right should  
“ be only exercised, when called for by an impe-  
“ rious and over-ruling necessity. It is obvious,  
“ no such necessity exists for the restrictions upon  
“ the roman-catholics of England, as they ask for  
“ nothing but that which both church and state  
“ must deem it necessary to grant, and which jus-  
“ tice must confirm. Who can pretend to have  
“ any fear of the roman-catholics, or to dread a  
“ disclosure of their power, by which their virtues  
“ must also be revealed ?

“ I will assert, then, if their power prove con-  
“ siderable, their inclinations are in a proportionate  
“ degree favourable to the interests of the country ;  
“ if their character be unknown, if they be obscure—  
“ it is because they are deemed unworthy of our  
“ consideration, and are branded with our neglect.  
“ When I speak of their obscurity, I do not mean,  
“ that they are destitute of hereditary virtues and  
“ hereditary dignity—that they are not a part of  
“ that class which ought to be denominated ‘ *Ul-  
“ timi Romanorum*.’—I cannot contemplate a more  
“ noble and affecting spectacle, than an ancient  
“ roman-catholic gentleman in the midst of his  
“ people, exercising the virtues of beneficence, hu-  
“ manity, and hospitality.—If they are obscure, it



“ is because they are proscribed as aliens to the  
“ state ; because they are shut out from this assem-  
“ bly, where many of those, who are far less worthy,  
“ are allowed to sit. Have they ever tried those  
“ vile arts which are exercised so successfully by  
“ those many to creep into pension and place?  
“ Have they ever attempted to obtain their rights  
“ either by clamour or by servility? On the con-  
“ trary, their conduct has proved that no other  
“ body is more justly entitled to respect and ad-  
“ miration \*.

“ I wish the petition to lie upon the table, that  
“ the contents may sink deep into the minds of this  
“ house, and I hope that the consideration will bring  
“ a final success to the cause of virtue and of truth.  
“ It is impossible that we can for ever bear the  
“ sight of our own injustice. Rectitude must ul-  
“ timately prevail, and I presume that the object of  
“ this petition will be granted without a struggle.”

\* When Mr. Burke's celebrated “ Address to the Electors  
“ of Bristol,” which contains an eloquent encomium of the  
catholics, was published, the writer recollects that his father,—  
it is allowable to mention any person now no more, who, when  
living, was venerated by all who knew him,—when he came to  
that passage in the address, burst into tears, and exclaimed,  
“ Who would not be a catholic !”—“ What,” said Mr. John  
Hawkins, who, a few days after passed into the protestant  
pale, “ because Mr. Burke says a fine thing of them !”—“ No ;”  
replied the gentleman we have mentioned, “ but because ca-  
“ tholics feel that these fine things may be said of them with  
“ justice.”

## LXXXIX. 3.

*The Bill for the Relief of his Majesty's Catholic Subjects.*

ON the 22d of June 1812, Mr. Canning moved a resolution, that “ the house would, early in the  
“ next session of parliament, take into its most  
“ serious consideration, the state of the laws af-  
“ fecting his majesty's roman-catholic subjects, in  
“ Great Britain and Ireland, with a view to such a  
“ final and conciliatory adjustment, as might be  
“ conducive to the peace and strength of the united  
“ kingdom ; to the stability of the protestant esta-  
“ blishment ; and to the general satisfaction and  
“ concord of all classes of his majesty's subjects.”

He introduced his motion, by an excellent speech, in which, with the force and eloquence habitual to him, he established three positions :—1. That all citizens of the same state, living under the same government, are entitled, *primâ facie*, to equal political rights and privileges :—2. That it is, at all times, desirable, to create and maintain the most perfect identity of interest and feeling among all the members of the same community :—3. That, where there exists in any community, a great permanent cause of political discontent, which agitates the minds of men, without having any tendency to subside of itself, it becomes the duty of the supreme power in the state, to determine in what mode it may, most advantageously, be set at rest. An interesting debate ensued ; lord Castlereagh made

a liberal declaration in favour of the proposed inquiry respecting the catholics. On a division, Mr. Canning's motion was carried by the decisive majority of 235 votes to 106.

In the house of lords, the marquis Wellesley, on the 1st of the following July, made a motion, similar to that of Mr. Canning. The previous question was moved upon it, by the lord chancellor, and there being 126 votes for it, and 125 against it, the chancellor's motion was carried by a majority of one.

Under these auspicious circumstances, the memorable campaign, of 1813, for catholic emancipation, began. It was opened on the 25th of February, by Mr. Grattan's motion, "that the house will resolve itself into a committee of the whole house, to take into its most serious consideration the state of the laws affecting the roman-catholic subjects in Great Britain and Ireland, with a view to such a final and conciliatory adjustment, as may be conducive to the peace and strength of the united kingdom, to the stability of the protestant establishment, and to the general satisfaction and concord of all classes of his majesty's subjects." After a debate of four days, a division took place upon Mr. Grattan's motion: it was carried by a majority of 40; there being 264 votes for it, and 224 against it.

This point being gained, though by a hard contest, Mr. Grattan, on March 9th, moved the order of the day for a committee of the whole house on

the catholic question. When this was formed, he rose; and after some preliminary observations, said; that he intended to propose resolutions: 1st, That the catholic disabilities should be removed: and 2dly, that the establishments in church and state ought to be effectually secured: and afterwards, to propose regulations for the ecclesiastical courts, and other matters, and an oath against foreign influence. He concluded with moving,—“ That, with  
“ a view to such an adjustment as may be conducive to the peace and strength of the united kingdom, to the security of the established church, and to the ultimate concord of all classes of his majesty’s subjects, it is highly advisable to provide for the removal of the civil and military disqualifications under which his majesty’s roman-catholic subjects now labour, with such exceptions, and under such regulations, as may be found necessary for preserving unalterably the protestant succession to the crown, according to the act for the further limitation of the crown; and better securing the rights and liberties of the subject, and for maintaining inviolate the protestant episcopal church of England and Ireland, and the doctrine, discipline and government thereof; and the church of Scotland, and the doctrine, worship, discipline and government thereof, as the same are respectively by law established.”

The right hon. Charles Abbot, (the speaker), then rose to take the earliest opportunity of entering his

warning protest against the course hitherto pursued; and also against the measure now proposed. He said, three plans had been proposed relative to the object in question. The first was for unlimited, and unconditional concession, as urged by the Irish roman-catholics in their petition; but this had found few advocates in the house, and had been abandoned by the right honourable mover of the question, as well as by his eloquent supporter, Mr. Plunkett.—The second was, for qualified concessions, with some legislative control over the roman-catholic clergy; which was apparently that of the mover, and undoubtedly that of Mr. Canning: but this was resisted by the roman-catholics themselves, who call it persecution, and inadmissible control. This plan is also acknowledged to involve a repeal of the corporation and test acts. The third,—that of lord Castlereagh,—was for bringing the roman-catholics within the reach of political power, with safety to the protestant establishment, by obtaining the concurrence of the head of the roman-catholic church to such arrangements as should be satisfactory to both parties. This, however, is admitted, at the present time, to be wholly impracticable. Having stated these plans, the right honourable member proceeded to object to the measure now proposed. It began, he said, with a sweeping repeal of all known securities, upon the faith of other securities as yet unknown. Some of the suggested securities he then considered, and objected to; and he spoke of the ill consequences that might result

from a bill framed upon such grounds, even if lying over to another session, by exaggerating the hopes of the roman-catholics, and dissatisfying the established church. He did not wish, however, that matters should remain on the present footing, and there were certain important changes to which he could agree. The first of these, was the admission of roman-catholic military officers to a larger share of the honours of their profession, which he would extend to all ranks of command, except the very highest at home. He would likewise give the roman-catholic soldier a legal right to his own religious worship in England as well as in Ireland; he would take away the necessity of English roman-catholics marrying in protestant churches; and would give full protection to catholic worship from disturbance. He then adverted to some other matters of regulation; and concluded with saying, that he must give his decisive negative to the sweeping principles of the proposition then laid before them.

Several other members then gave their opinions on the subject, which were rather anticipations of their future conduct than called for. On a division of the house, there appeared, for the resolution, 186, against it, 119; so that it was carried by a majority of 67.

On Tuesday, April the 27th, sir John Cox Hippisley gave notice, that it was his intention to move, on the 11th of May following, for a select committee, to examine and report upon the laws in force against the roman-catholics; on the state

and number of their clergy ; on their intercourse with the see of Rome, and on the appointment of their bishops.

On Friday, April the 30th, Mr. Grattan presented to the house, his bill, “ to provide for the removal  
“ of the civil and military disabilities, under which  
“ his majesty’s roman-catholic subjects now labour ;”—and moved, that it should be then read, for the first time, and printed. This was agreed to unanimously.

Mr. Canning said, that “ there was nothing in  
“ the bill to which he did not most cordially agree.  
“ At the same time, there were some provisions,—  
“ not in it,—which he was desirous to introduce,  
“ not indeed conflicting with it, but carrying its  
“ spirit and principle still farther ;—clauses to this  
“ effect, he wished to introduce, and to have them  
“ printed with the bill.”

Sir John Cox Hippisley gave notice, that he should insist on his committee ; and, to the infinite surprise and concern of every friend of catholic emancipation, intimated, that “ he hoped to lay  
“ before the committee such documents, as would  
“ compel the majority of the members to postpone  
“ the measure, at least, for the present sessions.”

*Tunc perierunt tempora longi*

*Servitii.—*

JUV. SAT. III.

Mr. Grattan then moved, that the bill should be read, a second time, on the 11th of May. The motion was carried, and both the bill and Mr. Canning’s clauses were ordered to be printed.

The bill recited, that “ the protestant succession

“ to the crown was, by the act for the further limita-  
“ tion of the crown, and the better securing the  
“ liberties of the people, established permanently  
“ and inviolably :

“ That the protestant episcopal church of Eng-  
“ land and Ireland, and the doctrine, discipline,  
“ and government thereof, and likewise the pro-  
“ testant church of Scotland, and the doctrine,  
“ discipline, and government thereof, were esta-  
“ blished permanently and inviolably :

“ That it would promote the interest of the same,  
“ and strengthen our free constitution, of which  
“ they are the essential part, if the civil and mi-  
“ litary disqualifications, under which his majesty’s  
“ roman-catholic subjects now labour, were re-  
“ moved :

“ And that, after due consideration of the peti-  
“ tions of the said roman-catholics, it appeared  
“ highly advisable to communicate to them, the  
“ blessings of our free form of government: and,  
“ with that view, to put an end to all religious  
“ jealousies between his majesty’s subjects, and to  
“ bury in oblivion all animosities between England  
“ and Ireland, so that the advantage of the re-  
“ spective countries might be bound together in all  
“ time to come, by the same privileges, and the  
“ same interest, in defence of their common liberties  
“ and government, against all the enemies of the  
“ British empire.”

The act then authorised roman-catholics to sit  
and vote in either house of parliament, upon taking  
the oath prescribed by the act, instead of the oaths



of allegiance, abjuration, and supremacy, and instead of making and subscribing the declaration against transubstantiation, and the declaration against the invocation of saints; now required of them. The oath was chiefly formed from the oaths in the acts, passed for the relief of the catholics in 1791 and 1793.

The bill then provided, that it should be lawful for catholics to hold all civil and military offices, and all places of trust and profit, except the office of lord high chancellor, lord keeper, or lord commissioners of the great seal of Great Britain, or lord lieutenant, or lord deputy, or other chief governor of Ireland, upon making and subscribing the foregoing declaration and oath, instead of the oath and declaration against transubstantiation, and the declaration against the invocation of saints, or taking the sacrament of our Lord's Supper.

It also enabled catholics to be members of any lay body corporate; and to hold any civil office or place of trust and profit in it, upon taking and subscribing the declaration and oath required by the act, instead of the oaths and declarations now required, or taking the sacrament.

But the act excluded them from all offices and places in the churches of the united kingdom of England and Ireland, or Scotland, or in the courts of ecclesiastical judicature within the realm, or belonging to any cathedral, collegiate, or ecclesiastical foundation, or to any of the universities, or to Eton, Westminster, or Winchester, or to any college or school of ecclesiastical or royal foundation; and from presenting to ecclesiastical benefices.

It also provided, that it should not be lawful for catholics to advise the crown, in the appointment or disposal of any ecclesiastical office or preferment.

Persons exercising any of the spiritual duties or functions, exercised by catholics in holy orders, were required to take an oath, by which they swore not to consent to the appointment or consecration of any roman-catholic bishop or vicar-apostolic, whom they should not deem to be of unimpeachable loyalty, and peaceable conduct, and not to hold any correspondence with the pope or see of Rome, or its courts or tribunals, tending, directly or indirectly, to overthrow or disturb the protestant government, or the protestant church, or on any matter not merely spiritual.

No persons, born out of the united kingdom, or its dominions, except persons born of British or Irish parents, and no persons, who had not resided within the same, during the term therein mentioned, were to exercise episcopal functions, under the penalty therein mentioned ; and were rendered liable to be sent out of the kingdom.

Such was the bill for the relief of his majesty's catholic subjects, which was brought into parliament by Mr. Grattan.

We have seen that, on the first mention of it, in the house, an intention was expressed of appending certain clauses to it, which should operate as further guards to the church and state, against any attempts that might be made by the catholics to disturb them. The necessity of these, Mr. Grattan and his friends uniformly denied.

On the 11th of May, sir John C. Hippisley made his promised motion for a committee.—So far the conduct of the baronet was consistent, that on every former occasion, on which the catholic claims had been agitated, in the house, he had avowed his intention of proceeding by a select committee: but, on all these occasions, the disposition of the house in respect to the measure was such, as made all its friends favourable, and all its opposers hostile to the appointment of such a committee. It was, now, directly the reverse, as every friend of catholic emancipation, considered a committee to be the most effectual mode that could be devised, to injure the catholic cause. The baronet prefaced his motion by a long speech, replete with curious and interesting matter. Mr. Grattan moved the order of the day. A debate of considerable length ensued:

On a division, the votes appeared,

For sir John Cox Hippisley's motion 187

For Mr. Grattan's amendment - 235

So that sir John Cox Hippisley lost his motion by forty-eight votes: every member, who opposed catholic emancipation voted with him; lord Castlereagh and Mr. Canning voted against him.

All who recollected sir John's former services to the catholics, were grieved to see him in the camp of the enemy:—It is even yet hoped, that it will not be long before he quits the Volsci, and returns to his Roman friends.

However catholics may regret his conduct on this occasion, or object to some things which have

since that time been said or done by him, his former services to them will never escape their memory or their gratitude.

In a few days, after this division, two sets of clauses, suggested by Mr. Canning, were printed.

The first appointed a certain number of commissioners, who were to profess the catholic religion, and to be lay peers of Great Britain or Scotland, possessing a freehold estate of one thousand pounds a year; to be filled up from time to time by his majesty, his heirs or successors. The commissioners were to take an oath, for the faithful discharge of their office, and the observance of secrecy, in all matters; not thereby required to be disclosed, with power to appoint a secretary with a salary, (proposed to be five hundred pounds a year), payable out of the consolidated fund. The secretary was to take an oath similar to that of the commissioners.

It was then provided, that every person elected to the discharge of roman-catholic episcopal functions in Great Britain or Scotland, should, previously to the discharge of his office, notify his then election to the secretary; that the secretary should notify it to the commissioners, and they to the privy council,—with a certificate,—“that they did not know or believe any thing of the person nominated, which tended to impeach his loyalty or peaceable conduct;”—unless they had knowledge of the contrary, in which case, they should refuse their certificate. Persons, obtaining such a certificate, were rendered capable of exercising epis-

episcopal functions within the united kingdom;—if they exercised them without a certificate, they were to be considered guilty of a misdemeanor, and liable to be sent out of the kingdom.

Similar provisions respecting Ireland, were then introduced.

The second set of clauses was suggested by lord Castlereagh, and provided, that the commissioners under the preceding clauses,—with the addition, —as to Great Britain, of the lord chancellor, or lord keeper, or first commissioner of the great seal for the time being, and of one of his majesty's principal secretaries of state, being a protestant, or such other protestant member of his majesty's privy council, as his majesty should appoint;—and with a similar addition in respect to Ireland;—and with the further addition, as to Great Britain, of the person then exercising episcopal functions among the catholics in London,—and, in respect to Ireland, of the titular roman-catholic archbishops of Armagh and Dublin—should be commissioners for the purposes thereafter mentioned.

The commissioners, thus appointed, were to take an oath for the discharge of their office, and observance of secrecy, similar to the former; and employ the same secretary; and three of them were to form a quorum.

The bill then provided, that subjects of his majesty, receiving any bull, dispensation or other instrument, from the see of Rome, or any person in foreign parts, acting under the authority of that see,

should, within six weeks, send a copy of it, signed with his name, to the secretary of the commissioners; — who should transmit the same to them :—

But with a proviso, that if the person receiving the same, should deliver to the secretary of the commission, within the time before prescribed, a writing under his hand, certifying the fact of his having received such a bull, dispensation, or other instrument, and accompanying his certificate with an oath, declaring, that “ it related, wholly and “ exclusively, to spiritual concerns, and that it did “ not contain or refer to any matter or thing, which “ did or could, directly or indirectly, affect or interfere with the duty and allegiance which he “ owed to his majesty’s sacred person and government, or with the temporal, civil, or social rights, “ properties, or duties of any other of his majesty’s “ subjects ;” — then the commissioners were, in their discretion, to receive such certificate and oath, in lieu of the copy of the bull, dispensation, or other instrument.

Persons conforming to these provisions, were to be exempted from all pains and penalties, to which they would be liable, under the existing statutes, — otherwise, they were to be deemed guilty of a high misdemeanor ; and in lieu of the pains and penalties, under the former statutes, be liable to be sent out of the kingdom.

The third set of clauses provided, that within a time, to be specified, the commissioners were to meet and appoint their secretary, and give notice

of it to his majesty's principal secretaries of state in Great Britain and Ireland; and the provisions of the act were to be in force from that time.

The bill being in this state, Mr. Grattan, on the 13th of May, moved the second reading of it; lord Castlereagh spoke in this debate at great length; and then, for the first time, mentioned the outline of the clauses, afterwards proposed in consequence of his suggestion. Through the whole of this interesting transaction, his lordship displayed an openness and energy, which those, who witnessed them, will never forget:—they attracted the praise of his greatest political adversaries. Mr. Canning rendered the catholics a thousand essential services; the powers, which he displayed in exterminating sir John C. Hippisley's unkind attempt to obtain a committee, have been seldom equalled.

The question was brought to issue, by Dr. Duigenan:—He moved,—that “the bill might be read that day three months.” A division took place; the numbers were,

For Dr. Duigenan's motion - 203

Against it - - - - 245

So that the majority against Dr. Duigenan's motion, was forty-two.

The bill was then read a second time.

On Wednesday, the 19th of May, the house, on the motion of Mr. Grattan, resolved itself into a committee to “consider further of the catholic relief bill.”

Mr. Canning brought up some new clauses :— he observed, that “ in them he had endeavoured “ to combine and meet the views of most of those, “ with whom he had had communication, on that “ most important subject; and that he had been “ particularly anxious to avail himself of the sug- “ gestions of lord Castlereagh, and that he hoped “ he had been successful.”

The clauses were passed, as having been read, the first time, and ordered to be printed.

It is understood, that between the division on the motion for the second reading of the bill, and the motion for a committee, an interview had taken place, at Mr. Ponsonby's house, between lord Castlereagh, and the principal advocates of the bill; that his lordship, at this interview, specified, particularly, the nature of the clauses, which he had in contemplation;—and that they were committed to writing by sir Arthur Pigott.

In other respects the bill was altered; a copy of it, with these alterations, is inserted in *Hansard's Parliamentary Debates*, vol. xxvi. p. 271.

On Monday, the 24th of May, the house was called over, according to order: after which, it resolved itself into a committee of the whole house to consider of the bill.

The speaker,—having left the chair,—moved, that the words in the first clause “ to sit and vote “ in either house of parliament, should be left out “ of the bill.” The clause was read, and the question was put upon it.



After a long debate, the question was called for. On a division, the numbers were,

For the clause - - - 247

Against it - - - 251

Thus the majority against the clause, was four.

Upon the numbers being declared, Mr. Ponsonby said, that,—“ as the bill, without the clause, was  
“ neither worthy of the acceptance of the catholics,  
“ nor of the further support of the friends of con-  
“ cession,—he would move that the chairman should  
“ then leave the chair.”

This motion was carried without a division, and the bill was, of course, given up.

Thus, after a long and memorable contest, the house finally resolved against catholic emancipation. The small majority, by which the resolution was carried, was some consolation to the discomfited. They also had the satisfaction to perceive, that several of the arguments, by which their claims had been resisted, in former debates, were then abandoned; that, by the confession of all, the question was considerably narrowed; that it was reduced to the single point, whether, without safeguards, catholic emancipation was consistent with the permanent security of the protestant establishment, or could, with reasonable safeguards, be rendered consistent with it. This consistency being assumed, catholic emancipation had scarcely an opposing voice.

It should be added, that the arrangements suggested by the clauses, inserted in the bill, were not viewed, either by lord Castlereagh or Mr.

Canning, in the light of an *ultimatum*. They considered them merely as a *projet*, to serve for the basis of future discussion. More honourable or more kind intentions towards the catholic body, no ministerial, no opposition member, ever entertained. However indisposed in his regard, in other respects, no member of parliament, who attended the debates, imputed sinister views on the subject to either.

## LXXXIX. 4.

*Observations on the nature and expediency of the proposed Securities.*

It has been asserted, that the securities introduced by lord Castlereagh into the bill, which is the subject of this chapter, were devised, and the clauses enacting them framed by the writer of these memoirs; and that the real design of them was to furnish government with the means of interfering hostilely, in the spiritual concerns of the catholics, and rendering their clergy generally subservient to the politics of his majesty's ministers. This charge has been urged so often, and so vehemently, and such invidious conclusions have been attempted to be drawn from it against all whom it would implicate, as to render some notice of it in this place necessary.

The writer most explicitly and unequivocally avers to his readers, that the charge is wholly unfounded.

It was in his speech of 1808\*, that lord Castlereagh gave the first intimation of the projected

\* Ante, ch. LXXXVI.,

securities. They were afterwards noticed by lord Grenville in his speech of 1810\*. This was the first time that even the general nature of them came to the knowledge of the writer, and the first time that he heard of the communications between lord Castlereagh and the Irish prelates. The reader may recollect the letter which this part of lord Grenville's speech occasioned the writer to address to his lordship, and his lordship's answer, transcribed in a former page of this work †.

Thus the project of securities became generally known, but the particulars of them were yet to be explained. The first explanation of these was given in lord Castlereagh's speech in 1813‡. From this, the general outline of the securities was sufficiently discernible; but the specific provisions for giving them effect were not detailed. Mr. Ponsonby and Mr. Canning therefore requested that an interview might be had between his lordship and the principal parliamentary advocates of the bill. This was agreed to, and they met at Mr. Ponsonby's house. Lord Castlereagh there detailed his plan, and it was then, for the first time, committed to writing. Sir Arthur Pigott held the pen, and wrote the clauses as they were successively settled. The draft of them was immediately transmitted to the writer of these pages, to procure a fair transcription of them: this was made, and, on the same day, the clauses were presented to the house. No English catholic attended the meeting at

\* Ante, ch. LXXXVI.

† Ibid.

‡ Ibid.

Mr. Ponsonby's, or had any intercourse, direct or indirect, with lord Castlereagh on the subject of them.

Several months before these transactions, lord Castlereagh permitted the writer to put into his hands the sketch of a bill for the repeal of the penal laws against the catholics : it was contained on half a sheet of paper ; placed the roman-catholics exactly on a footing with the protestant dissenters ; contained neither oath, veto, or security of any kind.—No catholic could desire a better bill.

Such is the history of lord Castlereagh's clauses.

On the general subject of securities, the impression of the writer is as follows :—

The first question evidently is, Are any securities necessary ? those, who answer in the affirmative, are bound to state the specific dangers against which the securities are to be a guard :—Now, what are these dangers ?—it is difficult to state them, even in the way of supposition : certainly no such danger has yet been pointed out. Admitting, however, that there are such dangers ; or that such may exist, the law of the land, which furnishes ample means of punishing both public and private offenders, is no small security against them. But, for the sake of argument, let us imagine a case, against which such securities should be provided, and against which the law furnishes no provision. Let us suppose a person, really dangerous, to be proposed for a catholic prelacy in Ireland. It may be said that the episcopal dignity confers great influence ; and that this influence would be used by such a

prelate for the worst purposes, as sowing divisions, and even for strengthening the enemies of government, by inclining his flock to adhere to them, or to those habits which favour them. Should not government, it may be asked, have the means of excluding such an artificer of evil from the prelacy?

The first answer to this question may be given,—by asking,—whether there be a real danger of such a person's finding his way into the catholic prelacy: or, at least, of his finding his way into it, so frequently, as to make a specific provision against such a possible evil either necessary or expedient?—Admitting, however, the necessity or expediency of such a provision, is not the British government abundantly furnished with it, in consequence of the terms of amity, which now subsist between them and the holy see? Can a person for a moment doubt, that the Roman see would peremptorily exclude from the English catholic prelacy, every person denounced to his holiness by the British government, as a disloyal or turbulent man? What further defence against the mischief apprehended can be wanted?

On these grounds, the writer doubts of the real existence of any danger that calls for a legislative provision.

On the other hand,—he is not ignorant of the notions, still too generally entertained, of the enormous power and dangerous influence of the Roman pontiff. Then,—supposing that the persons, by whom these notions are entertained, would be propitiated by a veto, is such an arrangement so

inconsistent with the faith, the morality, or the discipline of the catholic church, as to make it the duty of the roman-catholics to refuse it, though, in consequence of its propitiatory effect, the acceding to it would be followed by complete catholic emancipation?

Dr. Milner, in his "Letter to a Parish Priest," which we have more than once mentioned with praise, has invincibly demonstrated that catholics have no such duty. It is true that he has retracted this letter; this shows his own present opinion of his own arguments; but does not detract, in the slightest degree, from their inherent force and conclusiveness.—To his powerful advocacy, however, it is now needless to resort: Rome herself has spoken:—"She has ordered us to be at ease\*."

The ministers, it is said, who patronise the veto, do it for the purpose of enslaving the catholic church, and interfering unduly in her concerns:—For this charge, there is not the slightest ground. The writer has seen every thing respecting the veto; he has conversed upon it, with the ministers, with the leaders of opposition, and with the friends and followers of both; and he never yet found the slightest reason to suspect, that a wish to interfere, even in the remotest manner, in the ecclesiastical economy of the catholic church, entered into ministerial politics. He is also perfectly convinced that, if the government were in possession of the veto, the administration of it would be so slight, that the existence of it would seldom be perceived

\* In her reply to the Irish catholic board, ante, ch. LXXXVI.

and never gall.—He has never met with a member of either house of parliament, whatever might be his politics or connections, who was not convinced, and who did not explicitly avow his conviction, that, in the project of the veto, the views of lord Castlereagh towards the catholics were both kind and honourable.

Upon the whole, therefore, though the writer thinks vetoistical provisions unnecessary, and sincerely wishes that they should not be resorted to, he yet conceives that a vetoistical arrangement, either formally approved, or impliedly but clearly acquiesced in by the pontiff, would be both a prudent and an innocuous propitiation; a wise and lawful sacrifice for emancipation.

As such he wishes, that if it be insisted upon, it should be accepted. Of this, he is quite certain, that those, who proffer it, mean us well.

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## CHAP. XC.

SUBSEQUENT ACT, FOR REGULATING THE ADMINISTRATION OF OATHS, IN CERTAIN CASES, TO OFFICERS IN HIS MAJESTY'S LAND AND SEA SERVICE.

IN a former part of this work it has been mentioned, that the act of the 25th of Charles the second, commonly called the *Test Act*, enjoins all officers, civil and military, to take the oath and declaration against transubstantiation, and to take

the sacrament of our Lord's Supper within six months after their appointment: and that by *the 1st of George the first*, and subsequent acts, all persons holding offices, civil or military, are enjoined to take the oath of supremacy, within the like period of six months.

It is observable, that neither of these acts authorizes the tendering of the prescribed oaths to any person, *before* he enters into office, to qualify him to hold it.

The very small number of those, who comply with the requisitions of these acts, gave rise to *the Annual Act of Indemnity*, which provides, that persons, who, before the passing of it, have omitted to qualify, in the manner prescribed by the acts which have been mentioned, and who shall properly qualify before the 25th of the ensuing December, shall be indemnified against all penalties and disabilities; and that their elections, and all the acts done by them, shall be good.

This statute contains nothing, which excludes roman-catholics from the benefit of its provisions.

Upon this act, it was concluded that catholics were virtually eligible to civil and military offices, as much as his majesty's protestant subjects. It was admitted, that, by accepting the offices, they were equally subject, with protestants, to the penalties of not qualifying for them: but, it was contended, that their appointments to such offices would be good; and that, like his majesty's protestant subjects, they would be relieved against the penalties, by the annual Act of Indemnity.



This certainly was the opinion of sir James Mansfield, and Mr. Serjeant Hill ;—when, in 1796, lord Petre, the grandfather of the present lord, raised and equipped, at his own expense, a body of two hundred and fifty men, and requested the command of them for his son,—his request was refused, and Mr. Petre served in the ranks.

In addition to the acts we have mentioned, the act of *the 1st of William and Mary* provided, that  
“ all persons, who should be put into employment,  
“ as a commission officer, or non-commission or  
“ warrant officer, by sea or land, should, before  
“ the delivery of such commission, or warrant,  
“ take the oaths of allegiance or supremacy ;” and the persons mentioned in the act, were authorised to tender them.

All these acts were repealed, *to a certain extent*, in favour of the Irish catholics, by *the act of 1793* : but, by a strange inconsistency, the Irish were subject to them, in all places, within their operation, except Ireland. For their relief, in this respect, an act was passed, on the motion of the late duke of Norfolk.

The act of the “ 57th of his majesty, for regulating the administration of oaths, in certain cases, to officers in his majesty’s land and sea forces,” authorises the delivery of commissions and warrants to officers, in the army or navy, without requiring them, before their commissions or warrants are delivered to them, to take the oaths, or subscribe the declarations in question. This act, however, does not dispense with their obliga-

tion of taking or subscribing them, subsequently to their appointments: but, from the consequences of this omission, they are relieved by the annual acts of indemnity.

Thus, his majesty may now appoint a catholic to any office in the land or sea service, and his commission or warrant may now be delivered to him, without previously requiring him to take the oaths, or subscribe the declarations, required by the qualifying acts. This is the whole benefit conferred on the catholics by the act in question; for the oaths and declaration may be previously required, if the person authorised to require them, insist on it. Neither does the act extend to civil offices.

Small, therefore, in this point of view, is the boon conferred on the catholics by this act: but its effects are likely to be considerable. It is something gained upon the remaining penal code;—this alone makes it of consequence.

Public opinion gives it a much greater operation than it really has;—this too is of consequence.

It completely removes the objection to the appointments of catholics to offices, from the supposed unconstitutionality of such appointments. This was its most salutary effect, and made the act invaluable.

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IN a former page, we inserted the writer's address to his protestant fellow subjects, in 1813;—we now beg leave to present our readers with his address to them in 1817. It states, in a few lines,

the former and the present state of the English catholics, since the Reformation, and may therefore serve, without impropriety, for a conclusion to the attempt made, in these pages, to give a succinct view of their general history during that period.

“ To all the Protestants of Great Britain and  
“ Ireland.

“ Brethren and Fellow Subjects !

“ In a few days, the petitions, repeatedly presented by his majesty’s roman-catholic subjects, for the repeal of the penal laws, which still remain in force against them, will, once more, solicit the attention of the house of commons ; and will, they trust, have your universal wish for their success. Leaving to his most honourable and most honoured brethren in faith, the Irish roman-catholics, and to their abler pens, the advocacy of their own cause, an English roman-catholic, who once before addressed you, and was kindly heard, again entreats your benign consideration of the case of his more aggrieved brethren, the roman-catholics of England.

“ 1. *At the time of his majesty’s accession to the throne*, the English roman-catholics were subject to several disabling, penal, and even sanguinary laws, on account of their religious creed. They were prohibited, by severe penalties, from exercising any act of their religious worship ; were subject to heavy fines for keeping schools for the education of their children in their own country ;

“ and to punishments, still more severe, for sending  
“ them for education to foreign establishments.  
“ They were incapacitated from acquiring landed  
“ property by descent or purchase ; from serving  
“ in his majesty’s armies and navies ; from all  
“ offices, civil and military ; from practising the  
“ law or physic : and from being guardians and  
“ executors. They were liable to the ignomi-  
“ nious and oppressive annual fine of a double-  
“ land-tax ; deprived of the constitutional right of  
“ voting for members of parliament ; and disqua-  
“ lified from sitting in the house of commons.  
“ Their peers were deprived of their hereditary  
“ seats in the house of lords ; and their clergy,  
“ for exercising their religious functions, were ex-  
“ posed to the heaviest penalties and punishments,  
“ and, in some cases, to death.

“ Such were the laws, in force at this period,  
“ against the English roman-catholics, on account  
“ of their religious principles. But, for some time,  
“ the wisdom and mildness of government, and the  
“ good sense and humane spirit of their country-  
“ men, had come to their aid ; and generally pre-  
“ vented the execution of the severer part of the  
“ dreadful code. Few roman-catholics had been  
“ tried on the laws, which made the exercise of  
“ their religion felony ; few, for the exercise of  
“ their religion, had been imprisoned ; the in-  
“ stances, in which they had been deprived, in  
“ consequence of it, of their landed property, were  
“ not very numerous ; and prosecutions of them,  
“ on any part of the penal code, had been gene-

“ rally discountenanced. But the law was still  
“ their enemy ; and few, who do not recollect it  
“ from their own experience, can conceive, how  
“ painful and humiliating the situation of an  
“ English roman-catholic was in the year 1778.

“ 2. *By two gracious and salutary acts, passed*  
“ *in the reign of his present majesty*, the condition  
“ of the English catholics has been greatly ame-  
“ liorated. By the act of the 18th year of his  
“ reign, the particular statute, which chiefly pre-  
“ vented their safely and quietly enjoying their  
“ landed property, was repealed.

“ By the act of the 31st of his reign, further  
“ relief was granted to them. The secure enjoy-  
“ ment of their landed property was confirmed to  
“ them ; the practice of the law was, in part, opened  
“ to them ; the free exercise of their religion, to a  
“ considerable extent, permitted them ; and several  
“ penalties and disabilities, under which they  
“ laboured, were removed.

“ Each of these acts for their relief had the  
“ warm approbation of every person in the nation,  
“ of acknowledged virtue or talent. All the lords  
“ spiritual, all the lords temporal, the whole house  
“ of commons, the king, the ministry, the opposi-  
“ tion, all the distinguished clergy of the esta-  
“ blishment, all the eminent lights of the dissent-  
“ ing churches, concurred in these great national  
“ measures of wisdom and humanity, and rejoiced  
“ in their success.

“ 3. *But several disabling and penal laws still*

*“ remain in force against the English catholics.*  
“ Still are civil and military offices denied them\*;  
“ still are they excluded from many lines in the  
“ profession of the law and medicine ; still are  
“ some avenues to commercial wealth shut against  
“ them ; still is entrance into corporations pro-  
“ hibited to them ; still the provisions for their  
“ schools and places of religious worship are with-  
“ out legal security ; still they are disabled from  
“ voting at elections ; still they are deprived of  
“ eligibility to a seat in the house of commons ;  
“ still roman-catholic peers are excluded from their  
“ hereditary seats in the house of lords ; and still  
“ roman-catholic soldiers and sailors,—(how many  
“ fell at Trafalgar and Waterloo ! ) are legally sub-  
“ ject to heavy penalties, and even to capital pu-  
“ nishment, for refusing to conform to the religious  
“ rites of the established church. Each of these laws  
“ has a painful operation : their united effect is very  
“ serious. It meets the catholics in every path of  
“ life ; makes their general body a depressed and  
“ insulated cast ; and forces every individual of it  
“ below the rank in society, which he would other-  
“ wise hold. Seldom, indeed, does it happen that  
“ a roman-catholic closes his life, without having  
“ more than once experienced, that his pursuits  
“ have failed of success, or that, if they have suc-  
“ ceeded, the success of them has been greatly

\* In some degree, these are opened to the catholics, by the act of the 57th of his present majesty, mentioned in this chapter.

“ lessened or greatly retarded, or that his children  
“ have lost provision or preferment, in consequence  
“ of his having been a roman-catholic.

“ 4. Such then are the privations and disabilities  
“ under which the English roman-catholics still  
“ labour. In the years 1810, 1811, 1812, and  
“ 1813, they presented petitions to both houses of  
“ parliament, stating their grievances and praying  
“ relief. On the 22d day of June 1812, the house  
“ of commons, on the motion of the right honour-  
“ able George Canning, came to a resolution ‘ of  
“ ‘ taking into its most serious consideration, early  
“ ‘ in the then next session of parliament, the state  
“ ‘ of the laws affecting his majesty’s roman-catho-  
“ ‘ lic subjects in Great Britain and Ireland, with  
“ ‘ a view to such a final and conciliatory adjust-  
“ ‘ ment, as might be conducive to the peace and  
“ ‘ strength of the united kingdom, to the stability  
“ ‘ of the protestant establishment, and to the  
“ ‘ general satisfaction and concord of all classes  
“ ‘ of his majesty’s subjects.’

“ On the 25th day of February in the following  
“ year, the house, on the motion of the right ho-  
“ nourable Henry Grattan, resolved itself into a  
“ committee, for the purpose mentioned in Mr.  
“ Canning’s motion.

“ Grateful for these measures of enlightened and  
“ humane policy, the roman-catholics of England  
“ *again approach the legislature.* Several circum-  
“ stances make them trust, that the result of it will  
“ be favourable to their cause. They request you  
“ to consider what the state of the public mind in

“ their regard was in 1778, when their cause was  
“ first agitated in parliament, and what it is at  
“ present : what little resemblance there is between  
“ the strong prejudices against them which many  
“ then avowed, and the general expression of good-  
“ will, with which the catholic petitions have lately  
“ been received. Do not the protracted and often  
“ renewed debates, their friendly tone, the coali-  
“ tions of political adversaries in support of their  
“ cause, their exertions to produce a final and  
“ conciliatory adjustment, the respectable divi-  
“ sions, and above all, *your* universal good-will  
“ towards us, incontrovertibly indicate, that we are  
“ not now that odious and noxious body of men,  
“ which the law seems once to have thought us;  
“ and that you now consider us a respectable por-  
“ tion of Englishmen, worshipping the same God,  
“ acknowledging the same king, attached to the  
“ constitution by the same affection, and bound to  
“ their country and their countrymen by the same  
“ moral, the same civil, and the same social ties  
“ as yourselves? What then is the mighty dif-  
“ ference between us? We believe all,—you be-  
“ lieve parts only, of the religious creed of our  
“ common ancestors. Does this call for our poli-  
“ tical degradation?

“ 5. *On the charges which have been brought*  
“ *against us*, we think it useless to dwell; we be-  
“ lieve the public is perfectly satisfied with the  
“ answers which they have repeatedly received  
“ from our parliamentary advocates, and that the  
“ number of those, who think that any farther



“ exposition of our principles, or any farther justification of them, should be required from us, is small indeed.

*“ Our case is, therefore, closed !*

“ We now solemnly appeal to our friends and neighbours,—to all, who are acquainted with us, in the ordinary intercourse of life, whether they have found us deficient in the discharge of domestic duties, in offices of friendship, in the exercise of benevolence or hospitality, or in any of those charities of life, that bind man to man, and endear human beings to each other.

“ We solemnly appeal to the enlightened statesmen of both houses of parliament,—whether the penal code, remaining in force against us, be not in direct opposition to that general spirit of comprehension and humanity, which breathes through the laws,—which is the soul of the constitution,—and which gives to genius, talents, valour, industry, and labour, equal openings to exertions, equal chances of rewards?

*“ We have solemnly protested and again solemnly protest, against all intemperate language, all rancorous and illiberal invective, all harsh and insulting expressions. We bear no animosity to individuals of any communion, sect or party. We EMBRACE ALL OUR COUNTRYMEN AND FELLOW SUBJECTS, AS FRIENDS AND BRETHREN; AND MOST SINCERELY DO WE WISH TO SEE ALL UNITED IN THE PARTICIPATION OF EVERY RIGHT AND EVERY BLESSING, WHICH WE SOLICIT FOR OURSELVES.”*

## CHAP. XCI.

PRINCIPAL PROCEEDINGS OF THE BRITISH AND  
IRISH CATHOLICS BETWEEN THE YEARS 1813  
AND 1821.

1813—1821.

**WE** shall now present to our readers an account of the principal circumstances in the history of the British and Irish catholics, from the debate in 1813, till the present time.—These are, I. The resolution of the English catholics in 1813, to persist in their endeavours to obtain a repeal of the remaining penal laws:—II. The expulsion of Dr. Milner from the private board, or the select committee of the general board of the British catholics:—III. And the further petitions of the British and Irish catholics to parliament, and the proceedings upon them.

## XCI. 1.

*The Resolution of the Board of British Catholics  
in 1813.*

ON the 29th of May 1813, which was almost immediately after the bill for the relief of the catholics was lost, the board of the British catholics passed two unanimous resolutions: by the first, they returned thanks to the members of the house of commons, who had supported the bill: by the second, they expressed their determination not

“ to relax their efforts to procure relief from the  
“ penalties and disabilities, under which they suf-  
“ fered.” The earl of Shrewsbury was in the chair :  
the resolutions were moved by Lord Stourton, and  
seconded by lord Arundel of Wardour.

## XCI. 2.

*The Expulsion of Dr. Milner from the private Board,  
or the Select Committee of the General Board of the  
English Catholics.*

WHILE the bill had been pending in the house of commons, Dr. Milner caused a memorial against it to be circulated among the members : and, in a postscript to it, stated explicitly, that “ such mea-  
“ sures never could have been countenanced by  
“ any members of the legislature, had they not  
“ been suggested by certain false brethren of the  
“ catholic body.” It proceeded to state, that  
“ many catholics in England, and many more in  
“ Ireland, objected to the clause in the oath of  
“ 1781, respecting the protestant succession, as it  
“ might be thought to bind them to take up arms  
“ against their sovereign, if he should profess their  
“ religion :” on this ground, he submitted a change in the terms, by which they should declare, “ their  
“ entire submission to the limitation of the protes-  
“ tant succession as established by law.” Upon the last head, the writer must observe, that he has never yet met with a single catholic, ecclesiastic or lay, who objected to the oath. It has been taken by all the bishops in Ireland, all their coadjutors,

all the English prelates, including Dr. Milner, by all their coadjutors, by all the Scottish prelates and by their coadjutors. In other respects, the memorial was highly injurious to the bill ; and the right reverend prelate assumed to himself the merit of having contributed largely to its defeat.

The board took this conduct of Dr. Milner into their consideration at this meeting, and resolved, that a paper, intituled, “ A brief Memorial on the “ Catholic Bill,” and “ signed John Milner, D. D., “ having been distributed to members of the house “ of commons, during the discussion of the bill “ brought forward for the removal of the civil and “ military disqualifications, under which his majes- “ ty’s roman-catholic subjects then laboured, and “ containing assertions derogatory to the honour “ and the loyalty of the roman-catholic laity, and “ inferring consequences from the bill, if carried “ into execution, not warranted by its proposed “ enactments, and highly injurious to the political “ integrity and wisdom of the framers and sup- “ porters of the bill, and directly opposite to their “ declared intentions, as stated in the preamble to “ the bill,—the board declared, that the above- “ mentioned paper, signed John Milner, D. D. and “ intituled, ‘ A brief Memorial on the Catholic “ ‘ Bill,’ called for, and had, their most marked “ disapprobation. It having been moreover pub- “ licly stated, that the catholic board were and “ had been influenced in their political conduct “ by the right reverend Dr. Milner, this board “ declared, that the members of it felt themselves

“ called upon to republish the following resolution,  
“ passed by them on the 29th of May 1810;  
“ viz.—‘ That we do not consider ourselves as  
“ ‘ implicated in, or any ways responsible for,  
“ ‘ the political opinions, conduct or writings, of  
“ ‘ the right reverend Dr. Milner, vicar-apostolic  
“ ‘ of the midland district.’ ”

Doctor Milner being then called upon by the board to state, whom he meant to designate, by the expression of “ false brethren,” in his paper, intitled, “ A brief Memorial on the Catholic Bill,” declared to the board, that “ he had referred to “ Mr. Butler.” Upon this, the following resolutions were immediately passed :—1st. “ That “ Charles Butler, esq. was entitled to the thanks “ and gratitude of the general board of British “ catholics, for his great exertions in support of the “ catholic cause, and that the charge just made “ by the right reverend Dr. Milner, against Mr. “ Butler, was a gross calumny.”

2dly. “ That, under the present circumstances, “ it was highly expedient that the right reverend “ Dr. Milner should cease to be a member of the “ private board or select committee, appointed by “ the general board of British catholics, on Thurs- “ day, May 11th, 1813.”

## XCI. 3.

*Further Petitions of the British and Irish Catholics, and  
Proceedings upon them.*

1814.

ON the 17th of February, a general meeting of the English catholics was held at the house of the earl of Shrewsbury in Stanhope-street, and a form of a petition to both houses of parliament resolved upon. It referred to their former petitions, and prayed the house to take into “consideration the  
“many pains and disabilities, under which they  
“laboured, and to adopt measures for their relief.” It was also resolved, that a deputation should wait on earl Grey and the right honourable William Elliot, and request that they would present the petition of the catholics to the respective houses of parliament, and express to them “the wish of  
“the board, that they should have the advantage  
“of a separate and distinct discussion.”

At a subsequent meeting, it was resolved, that  
“their parliamentary friends should be requested  
“to obtain, if possible, the repeal of all remaining  
“restrictions on the religious observances of the  
“catholics, particularly with respect to their mar-  
“riages.”

On the 28th of the following June, the British catholic petition was presented to the house of lords; and, on the 1st of the following July, a similar petition was presented to the house of commons by Mr. Elliot.

1815.

On the 30th of May, sir Henry Parnell's motion on the Irish catholic petition was negatived, in the house of commons, by a majority of 81 ; the ayes being 147, and the noes 228 : on the 8th of June, earl Donoughmore's motion in the house of lords, on a similar petition, was negatived by a majority of 26 ; the contents being 60, the non-contents 86.

On the 24th of June, the board unanimously resolved to present to his royal highness the Prince Regent, a loyal and dutiful address, on the triumph of his majesty's arms at Waterloo : it was accordingly presented on the 29th of the same month, and most graciously received.

1816.

In January, another form of a petition was agreed upon by the British catholics, and presented by Mr. Elliot to the house of commons : the question of emancipation, so far as it regarded the Irish catholics, was afterwards brought forward by Mr. Grattan unsuccessfully, being negatived by a majority of 31 ; the ayes being 141, and the noes 172.

On the 28th of the following May, sir John Hippisley moved, that “ several official papers  
“ relative to the regulation of the roman-catholics  
“ in the several states of Europe and the colonies,  
“ which had been laid before the house in the  
“ course of the present session, should be referred  
“ to a select committee : that it should be an in-  
“ struction to the said committee, to report on the:

“ laws and ordinances existing in foreign states  
“ respecting the regulations of their roman-catholic  
“ subjects, and their intercourse with the see of  
“ Rome, or any other foreign jurisdiction.” His  
motion was agreed to, and a committee appointed  
accordingly.

Sir Henry Parnell afterwards gave notice of a  
motion for a partial emancipation.—The writer  
must take this opportunity of mentioning the great  
obligations, which both the British and the Irish  
catholics have to this excellent person. Manly,  
discreet, firm and conciliating, he always advocated  
their cause on the genuine principles of civil and  
religious liberty, and with a full knowledge of their  
case, both in its general and minutest bearings.  
His regular attendance on parliament, and his  
perfect acquaintance with its forms, enabled him  
to render the catholics the most important services.  
On some occasions, he stood almost single,—in  
some, first; and in all, he took a distinguished part.

On the 21st of June, the earl of Donoughmore  
presented to the house of lords, a petition from  
certain of the protestant nobility, gentry and free-  
holders of the county of Galway, in favour of the  
catholic claims, and moved that,—“ early in the  
“ next sessions of parliament, the house should  
“ take into its early and serious consideration,  
“ those disabling statutes, which still continued to  
“ press upon his majesty’s roman-catholic subjects.”  
His lordship was supported by the duke of Sussex,  
and opposed by the lord chancellor. This noble  
and learned lord having intimated, in the course



of his speech, that it was the particular duty of the  
 bishops to resist the resolution,—“ I do not know,”  
 said the bishop of Norwich in reply, “ what the  
 “ opinion of the noble and learned lord may be, as  
 “ to the duty of bishops ; but I beg leave to say,  
 “ that it is their duty, as it is the criterion of an  
 “ English bishop, to conciliate, not to divide ; to  
 “ allay, not to exasperate religious differences. The  
 “ only way to secure permanently the existence of  
 “ any establishment, civil or ecclesiastical, is, to  
 “ evince liberal and conciliatory conduct to those,  
 “ who differ from us, and to lay its foundation in  
 “ the love, affection and esteem of all within its  
 “ influence. To use the words of my favourite  
 “ author, ‘ *Carum esse principem, benè de republicâ*  
 “ *mereri, laudari, coli, diligì, gloriosum est : metui*  
 “ *vero et in odio esse, invidiosum, detestabile.*’ The  
 “ most enlarged principles of toleration, while they  
 “ tend in their operation to reconcile all sects, to  
 “ bring all dissents of faith within the pale of  
 “ charity, and to smooth the asperity of religious  
 “ differences, never yet disturbed the tranquillity  
 “ of any state, or shook the security of any church.  
 “ A CHRISTIAN SPIRIT CAN NEVER ENDANGER  
 “ A CHRISTIAN ESTABLISHMENT.

“ I will,” concluded his lordship, “ trouble the  
 “ house no longer ;—but I hope I may be pardoned  
 “ for saying that the sentiments, which I have de-  
 “ livered, deserve the serious consideration of his  
 “ majesty’s ministers. Having obstinately per-  
 “ sisted in opposing the claims of four millions of  
 “ his majesty’s subjects, and having raised the dan-

“gerous cry of ‘*no popery*,’ when concessions to  
 “them were proposed, they may, unless they adopt  
 “a more conciliating conduct, be compelled to  
 “hear from the other side of the water, the more  
 “dangerous cry of ‘*no union*.’”

The house then divided,—69 votes in favour of  
 earl Donoughmore’s motion, 73 against it; so that  
 it was rejected by a majority of four votes only.

No words can express the gratitude and veneration, which, from this time, every catholic of the united empire, has felt for the prelate, who thus advocated their cause.

“We attend his reverend length of days,  
 “With benediction and with praise;  
 “And hail him in our public ways,  
 “As some bless’d spirit fam’d in ages old.”

AKENSIDE.

On the 25th of June, sir John Hippisley brought up “the report of the select committee appointed to  
 “inquire into the laws and ordinances of foreign  
 “states, regulating the intercourse between their  
 “roman-catholic subjects and the see of Rome.” He took occasion to observe, that “had such a report  
 “as he had then the honour to present, appeared  
 “at an earlier period, he felt the strongest conviction that much of the disorders, by which  
 “Ireland was agitated, would have been prevented.  
 “Such a mass of evidence, as the report contained,  
 “would have rendered it impossible for any self-  
 “interested persons, who entertained but little regard for the honour of their religion, to impose  
 “on so large a class of his majesty’s subjects.” He

mentioned, “ what had been the course of inquiry  
 “ adopted by the committee. They had first di-  
 “ rected their attention to the mode of nominating  
 “ the superior or episcopal order of the clergy ;  
 “ and 2dly, to the rules and ordinances regulating  
 “ the connection with the papal see, and to the  
 “ *royal exequatur*, or prevention of the intromission  
 “ of papal rescripts. By the report, it would be  
 “ seen, that in every country, the government  
 “ exercises a control over the interference of the  
 “ papal authority ; and that, in no case, the bishops  
 “ enjoy their rank, without the direct sanction of  
 “ their respective government.” He concluded  
 with moving, that the report should be laid on the  
 table.

The report accordingly was laid upon the table;  
 and ordered to be printed\*.

That sir John Hippisley’s report contains much  
 curious and valuable information, on the very im-  
 portant subjects, to which it relates, must be ad-  
 mitted ; but it must also be admitted that, in the  
 part of it which relates to ancient records, there  
 is almost a total silence respecting those historical  
 events and documents, which the advocates of the  
 papal prerogative usually cite as precedents in sup-  
 port of the papal claims. These are fully exhibited

\* Some valuable information respecting the appointment  
 of this committee, and the formation of the report, is contained  
 in a publication of sir John Hippisley’s, intituled, “ The Sub-  
 “ stance of a Speech of sir John Cox Hippisley, bart. in the  
 “ House of Commons, on Tuesday, May 11, 1813, for the  
 “ appointment of a Select Committee on the subject of the  
 “ Catholic Claims. 8vo. 1815.”

by father Persons, in his "Reply to sir Edward Coke," which we have noticed in a former page: a work which should be attentively perused by all, who wish to form an accurate opinion on this part of sir John Hippisley's report.—Another objection to it is, that the opinions of the advocates of the *nova disciplina*,—or the new doctrines of the German liberales,—are produced, as opinions of acknowledged authority, when they are almost entirely discountenanced by the sober catholics of every kingdom. A still further objection is, that, in the account given of the transactions between the popes and the sovereigns, the distinction between what the popes admit to belong of right to sovereigns,—what they consider as settled by concordats, or arrangements, in which each party has given up something which he claims as his due;—and what the popes consider as derogatory from their just right, though in practice, and to prevent a greater evil they acquiesce in their deprivation of it,—is not noticed.—An able examination of the report was published by Mr. Lingard\*. But, with all the imperfections, which can be justly imputed to it, the report is certainly a very interesting compilation: an analytical discussion of it is desirable.

1817.

On the 9th of May, Mr. Grattan again moved the house of commons on the Irish catholic petition: his motion was negatived by a majority of 24; the ayes being 221, and the noes 245. On the

\* Sold by Booker, in Bond-street.

16th of the same month, the earl of Donoughmore again brought the catholic question before the house of lords, by a motion, that "the house should resolve itself into a committee to consider the petitions from the catholics of Ireland;" on a division, it was negatived by a majority of 142 voices to 90. This result was the more afflicting as it was quite unexpected.

The act passed in this year "to regulate the administration of oaths, in certain cases, to officers in his majesty's land and sea forces," by which the catholics of the united empire were essentially served, has been fully noticed in the preceding chapter.

1818.

Still, the catholics persisted in their determination not to relax their efforts for obtaining the repeal of the laws, which remained in force against them. Their spirits were revived by the discussions, which took place in May 1818; upon general Thornton's motion, "for the repeal of the acts of the 25th and 30th Charles the second, requiring a declaration against transubstantiation, and asserting the worship of the church of Rome to be idolatrous." Lord Castlereagh moved the previous question upon the general's motion, and his lordship's motion was unanimously carried.

The general had proceeded without consulting the catholics; and so far against their wishes, that a deputation from the board had waited on lord Liverpool, expressing, that there was no concert between them and the general; admitting, how-

ever, that the repeal of both acts was earnestly desired by them. The deputation was received by his lordship in the most obliging manner; he discussed with the gentlemen, who waited upon him, the comparative situation of the English catholics, in respect to the nation at large, the protestant dissenters, and the Irish catholics: he appeared to be extremely well informed on these subjects, and intimated, in a clear but not an unfriendly manner, the nature of the difficulties in the way of their relief.—This circumstance, and some things which took place while general Thornton's motion was in agitation, were of a nature to raise the hopes of the catholics, and stimulate them to new exertions.

1819.

On the 13th of January, the board of the British catholics met,—his grace the duke of Norfolk, the earl marshal, in the chair,—and came to two resolutions, that a petition for the repeal of the penal laws should be immediately presented, and that earl Grey should be requested to present it in the house of lords, and lord Nugent in the house of commons. A petition was accordingly framed and numerously signed.

On the 24th of April, the board of English catholics,—the duke of Norfolk in the chair,—resolved unanimously, “That, as a small token of  
“the veneration and gratitude, due by every ca-  
“tholic in the British empire to the right reverend  
“Dr. Henry Bathurst, lord bishop of Norwich,

“ Mr. Turnerelli should be requested to execute a  
“ bust, in marble, of that illustrious and venerable  
“ prelate, in order that the same might be placed  
“ in the British catholic board room ; and that the  
“ sum of one hundred and twenty guineas, required  
“ to pay the expenses thereof, should be defrayed  
“ by a particular subscription among the members  
“ of the board, of one guinea each only, in order  
“ that an opportunity might be afforded to a greater  
“ number of individuals, to evince their affection  
“ and respect towards a prelate, so eminently de-  
“ serving the character of a christian bishop.” The  
bust has since been executed, and does the greatest  
honour to the artist.

On the 3d of May, Mr. Grattan moved that the  
house should resolve itself into a committee for  
“ taking the state of the laws against the catholics  
“ into consideration, with a view to determine,  
“ whether and how far the same ought to be re-  
“ pealed.” On a division, the numbers in favour  
of his motion were 241 ;—against it 243 ; so that  
it was rejected by a majority of two voices only.—  
Mr. Croker was particularly distinguished by one  
of the most argumentative speeches ever heard in  
the house,—it chiefly turned on the annual acts of  
indemnity, the operation of which he demonstrated  
to be much more extensive and much more favour-  
able to the catholics, than was generally supposed.  
The same has ever been thought by the writer ;  
and when professionally advised with, he has  
always given this opinion.

On the 17th of the same month, the earl of  
Donoughmore made a similar motion in the house

of lords. Dr. Marsh, who had been advanced to the bishoprick of Llandaff, and thence translated to that of Peterborough, opposed the motion in an ingenious speech, the object of which was to show that the catholics were not excluded from the blessings of the constitution for their belief respecting transubstantiation, the invocation of the saints, or their other speculative opinions, but because they divided their allegiance, giving *part* of it to their own sovereign, and *part* to a foreigner; and that they ought not therefore to be placed on the same rank with those, who gave *all* their allegiance to their native king. In this notion, the right reverend prelate was triumphantly refuted by earl Grey. On the division, 147 votes appeared to be against, and 106 in favour of the motion of the noble earl, so that it was rejected by 41 votes.

On the 25th of the same month, earl Grey introduced a bill into the house of lords to repeal those parts of the acts of the 25th and 30th of king Charles the second, which require persons, previous to admission into offices, or to either house of parliament, to subscribe certain declarations against the doctrines of transubstantiation, the invocation of saints, and the sacrifice of the mass. On the 15th of the following June, the motion for the second reading of the bill, supported by the bishop of Norwich, and both by the earl of Harrowby and lord Grenville, was negatived by a majority of 59,—the contents for the bill being 82, the non-contents 141.

Throughout the whole of this period, both the boards were anxious to call the attention of par-



liament to the laws in force exclusively against the British catholics. Their condition seemed entitled to particular notice, as they are liable to several penalties and disabilities, from which the Irish members of their communion are exempt. It may be added, that the real merits of the catholic cause were so great, that it gained, at least in public opinion, on every discussion: this circumstance was often urged as an argument for multiplying the discussions of it.

In these reasons for agitating their case, there was weight; but the objections to it were serious. Most of the leading advocates of their cause thought, that no application for partial relief would succeed,—and that, if it did succeed, it would not materially ameliorate their situation. They also observed, that no relief would ever be granted to the English catholics, without granting the same degree of relief to the Irish;—and this, it was said, could not be expected, unless the Irish question should be brought fully before the house. It was also observed, that the catholic question, if brought on separately, must either precede or follow the Irish discussion: if it preceded, its discomfiture,—(which was always too probable),—would prejudice the Irish cause;—if it followed, then, if the Irish application had succeeded, its success would have rendered an application from the British catholics unnecessary; and if the Irish had been defeated, it would be impossible to expect that the British should succeed.

With respect to the advantages flowing from

discussion,—it was admitted to be true, that the general cause had gained on every discussion: but it was remarked, that the repetition must at length weary; and that it would prove fatal to the catholic cause to bring it before the house so often, as to bereave it of its interest, and make it disposed of as a matter of course, without a division.

These observations weighed with the catholic boards, and withheld their proceeding: still, they availed themselves of every opportunity which offered, of bringing the cause of their constituents favourably before the public, and the houses of parliament; and, without obtruding themselves on persons in power, they took frequent occasion to wait upon them, to expose their case, and to dispose them favourably towards it. It may be truly said, that the conduct of the boards gained them the approbation both of his majesty's ministers, and the leaders of opposition. The friends of each frequently mentioned it in the highest terms of commendation; in what light the board has been considered, and in what terms it has been mentioned by the supreme pontiff, will appear in some of the documents inserted in the Appendix\*.

\* The writer feels it honourable to him to have combated in these ranks :—

Ω σκεπον, ει μιν γαρ πολεμοι περι Ιονδς φυγεῖς,  
 Λιισ δη μελλοιμεν αγηρω τ' αθαναιω τε  
 Εσσοσθ', ΟΥΤΕ ΚΕΝ ΑΤΤΟΣ ΕΝΙ ΠΡΩΤΟΙΣΙ ΜΑΧΟΙΜΕΝ,  
 Ουτι κε σι γειλλοιμι μαχην ις κυδιανιραν  
 Νυν δ' εμπης γαρ' κηρις ιφισσασιν θανατοιω  
 Μυριαι, ας εκ ισι φυγειν βροτον, υδ' υπαλυξαι,  
 Ιεμεν.

Il. xii. 322—328.

The speeches delivered by the respectable persons who presented the petitions of the British catholics to the houses of parliament, were perfect models of senatorial oratory, and alike calculated to conciliate their protestant, and to gratify their catholic hearers.—What protestant was not propitiated, what catholic was not dearer to himself, after he had heard the dignified and generous exposition,—(inserted by us in a former page),—from Mr. Wyndham, on presenting the petition of the English roman-catholics in 1810, to the honourable house of which he was so bright an ornament?

When lord Grey presented the petition of the English catholics to the house of lords, in the year 1810, he mentioned generally the penal infliction upon the catholics, and then thus expressed himself:  
“ —The petitioners, in stating their complaints,  
“ assert with no unbecoming confidence, that their  
“ conduct has not been such as justly to subject  
“ them to a punishment of so severe a nature.  
“ Upon this head, I think I may appeal to the per-  
“ sonal knowledge of many of your lordships, whe-  
“ ther you are not convinced that there do not  
“ exist men, whose conduct has uniformly been  
“ more exemplary as loyal subjects of the king,  
“ and zealous supporters of the government, than  
“ the English catholics? I have some knowledge  
“ of persons of that profession in the county to  
“ which I belong: they are persons as distinguished  
“ for their loyalty and good conduct as for their  
“ great opulence; and I will venture to assert,  
“ that the voice of the county would join with me

“ in saying, that, as friends and neighbours,” as  
 “ landlords, as fathers of families, as persons filling  
 “ all the relations of life, there do not exist men  
 “ who have established more just claims to the  
 “ universal esteem of all mankind.”

Such were the testimonies rendered in parliament to the public and private characters of the catholics, by the two illustrious personages, whom we have mentioned. The board took care to have their speeches printed and extensively circulated\*.

\* Dr. Milner, alluding to a part of this speech of lord Grey, in which his lordship referred to the fifth resolution of the English catholics, declared that the board had falsified his lordship's speech;—and he made this the subject of an article in his “ Supplemental Memoirs,” with the title, in large capitals, of “ FALSIFICATION OF LORD GREY'S SPEECH.

It is scarcely worth while to notice such a charge; but as the right reverend prelate has repeatedly circulated it at home and abroad, in every form of publication by which defamation can be conveyed, and the accusation affects the characters of several of the most respectable members of the roman-catholic portion of the community,—and particularly the character of the gentleman who kindly acts as secretary to the board,—the few following lines are inserted to repel the charge. If it were true, it would certainly deserve all the expressions of abuse and contumely, which Dr. Milner has applied to it; if it be false,—!

Lord Grey's speech appeared, for the first time, in the “ British Press,” from the notes of the reporter of that newspaper; and afterwards in “ The Globe,” an evening paper.

It being thought by the board, that a general circulation of it would essentially serve the catholic cause; it was resolved, (as is usual in such cases), that an application should be made to lord Grey for his leave to print it. This resolution was transmitted to his lordship, with a request that he would

## CHAP. XCII.

SUBSEQUENT PROCEEDINGS OF THE BRITISH  
CATHOLICS.

1820.

SUCH, as we have described, was the situation of the British catholics, when the proceedings for their complete and final relief were begun.

On the 15th of February 1820, a full meeting was held of the British catholic board: his grace the duke of Norfolk was in the chair. An address to his majesty on his accession to the throne was unanimously agreed to: such an address was afterwards presented and graciously received.

On the 7th day of the following June, a petition from the catholics was presented to his majesty at the levee; it was expressed in the following terms:

“ To the King’s most excellent Majesty :

“ The humble petition of the undersigned  
“ persons, professing the roman-catholic re-  
“ ligion in Great Britain,

“ Showeth,—That your petitioners approach your  
“ majesty’s presence, ever entertaining the deepest

revise it, and supply any omissions or inaccuracies of the reporter. His lordship obligingly acceded to this request, and with his own hand, corrected the speech in some places, and made some additions to it in others. The copy, thus altered, is now in the hands of Mr. Edward Jerningham, the secretary; and from this copy, the two neat folio editions to which Dr. Milner refers, in his Supplemental Memoirs, were made.

“ gratitude for the benefits conferred upon them,  
“ by the acts passed for their relief during the  
“ benevolent reign of your majesty’s royal father,  
“ their late lamented sovereign.

“ That there are, however, several penal and  
“ disabling laws still in force against them, which  
“ are alike injurious to their particular interests,  
“ and prejudicial to the general welfare of the state.  
“ They impose upon your petitioners the same in-  
“ capacities, with which the law visits convicted  
“ guilt : they encourage popular prejudices : they  
“ perpetuate religious dissensions : and they prevent  
“ that general concord in the empire so essential  
“ to its happiness, prosperity and independence.

“ That, though your petitioners are marked out  
“ as persons unworthy of public trust, yet they  
“ yield to no class of their fellow subjects in affec-  
“ tionate loyalty to your majesty, in dutiful sub-  
“ mission to the laws, in attachment to the liberties,  
“ and zeal for the honour of their country. They  
“ have been accused of giving to a foreign potentate  
“ part of that allegiance, which they owe to your  
“ majesty’s sacred person and government ; but,  
“ they have repeatedly denied the charge, and they  
“ beg leave, at the foot of your majesty’s throne,  
“ again most solemnly to deny it.

“ They have lately joined with heart and voice  
“ in proclaiming your majesty their liege lord and  
“ sovereign. To your majesty they swear full and  
“ undivided allegiance : in your majesty alone they  
“ recognize the power of the civil sword within  
“ this realm of England. They acknowledge in no

“ foreign prince, prelate, state or potentate, any power  
“ or authority to use the same, within the said realm,  
“ in any matter or cause whatever, whether civil,  
“ spiritual or ecclesiastical.

“ With these sentiments your petitioners throw  
“ themselves upon your majesty’s wisdom, liberality  
“ and justice. They humbly pray, if it shall seem  
“ meet to your royal judgment so to do, that your  
“ majesty may be graciously pleased to recommend  
“ their case to the favourable consideration of par-  
“ liament. And they beseech Almighty God, by  
“ whom kings do reign, to bless your majesty with  
“ long and happy years to rule over them.”

This petition was signed by the duke of Norfolk, the earl of Surry, lord Shrewsbury, lord Kinnaird, lord Stourton, lord Petre, lord Arundell and lord Clifford ; by Dr. Gibson, the vicar-apostolic in the northern district, Dr. Smith his coadjutor ; by Dr. Collingridge, vicar-apostolic in the western district ; by Dr. Poynter, vicar-apostolic in the London district ; by Dr. Alexander Cameron, vicar-apostolic in the lowland district in Scotland, by Dr. Alexander Paterson, his coadjutor ; and by Dr. Ronald MacDonald, vicar-apostolic in the highland district ; by almost all the catholic baronets, (including sir George Jerningham, the claimant of the Stafford peerage) ; by almost all the catholic clergy, and by most other catholics of family. From the list of those who signed, we must except Dr. Milner : he objected to the language of the petition : but his objections were not distinctly pronounced ; and it is probable that they were not considerable, as he permitted the petition to be generally signed both by the clergy and laity within his district.

By the petition, the catholics profess full and *undivided* allegiance to his majesty : this expression was particularly used to meet the charge, which, as we have mentioned in the preceding chapter, was brought against them by the bishop of Peterborough, of dividing their allegiance between his majesty and the pope.

It has been asserted, that cardinal Fontana, the prefect of the congregation *De Propagandâ Fide*, expressed a decided disapprobation of this address, and required the British and Irish prelates to oppose its signature by their respective flocks : it has also been asserted, that it was objected to by the present writer. These are great misrepresentations, and render it necessary to state the real fact.

We must therefore mention, that, previously to the drawing up of the petition, which we have transcribed, another had been prepared and submitted to the board. To this, some gentlemen, and among these the present writer, objected, not on account of any substantial impropriety, but because they apprehended it contained some words, the import of which was too easily liable to be misrepresented : it was, therefore, withdrawn. This circumstance, or rather an erroneous notion of it, becoming known and reaching Ireland, a respectable personage too hastily wrote to cardinal Fontana, a letter, which led his eminence to believe that an oath had been devised, by which all authority, both civil and spiritual, was acknowledged to reside in the king. The cardinal, of course, answered, that such an oath could not be taken, and that he trusted the bishops would oppose it. This answer was evidently hypothetical : the reader has seen that the real petition did not contain any such expression, and that it was signed by all the English pre-



lates, except Dr. Milner, and by all the Scottish prelates.

When it was produced at the board, neither the writer, nor any other person objected to it; no discussion upon it took place: it was only asked, whether it had been approved by Dr. Poynter? This being answered in the affirmative, it was adopted instantly and without a single dissentient voice.

The reader now sees, with what extreme injustice cardinal Fontana's letter has been applied to the real petition: but the injustice has not stopped here; the cardinal's letter has been represented as applying to the oath inserted in Mr. Plunkett's bill, to which our subject now leads us: but this oath did not reach, and was not known at Rome, till after the date of cardinal Fontana's letter.

We must take this early opportunity of observing; that, when it is said that Dr. Poynter, or any other catholic, *approved* an oath or any other solemn instrument in the concerns of the catholics, it is not meant to import, that he thought it *just* that it should be required of the catholics, or *pleasant to their own feelings*, that it should be required of them: the word imports only that, in his opinion, it contained nothing contrary to the faith or discipline of the roman-catholic church, and was, in that respect, and to that extent, approved by them.

## CHAP. XCIII.

PROCEEDINGS IN THE HOUSE OF COMMONS ON  
THE BILL FOR CATHOLIC EMANCIPATION..

1821.

*28th February.*

ON the 28th of February, lord Nugent presented to the house of commons the petition of the British catholics. He observed that it was signed by 8,000 persons :—that, among them, were seven peers, fourteen baronets, seven of their own bishops, and a considerable body of their own clergy. He remarked that there were but four baronies remaining, which had belonged to barons, who signed magna charta ; and that the representative of all the four,—the duke of Norfolk,—had signed the petition then presented to the house.

He stated that the oath of supremacy was the main obstacle to the admission of roman-catholics to the same privileges as those which were enjoyed by their fellow-subjects,—the declarations against transubstantiation and the invocation of the saints being subsidiary to it :—that the belief of the supremacy of the pope was the only distinctive tenet of the catholics, which was supposed to carry with it any real danger to the state, and on that account, to justify the continuance of the penal code. But all belief of the supremacy, either temporal or ecclesiastical, of the pope, so far as it vested him with civil power, or with a right to interfere with civil concerns, was now disclaimed by the petitioners, and by the catholic body at large.

He shortly suggested some other topics, which should recommend the petition to the attention of

the house, and obtain for it a favourable hearing :—he finally moved that the petition should be brought up.

MR. PLUNKETT then presented the petition of the Irish roman-catholics, and expressed himself as follows:

“ Sir, I hold in my hand a petition, signed by  
“ a very considerable number of his majesty’s roman-  
“ catholic subjects of Ireland. From the names  
“ attached to it, which amount to many thousands,  
“ distinguished for rank, fortune, talents and every  
“ thing which can confer weight and influence,—  
“ from the means which these persons possess of  
“ collecting the opinions of the people in that part  
“ of the united kingdom,—the petition may be fairly  
“ considered as speaking the sentiments of the great  
“ body of the roman-catholics of Ireland. A similar  
“ petition was presented, from the same body, the year  
“ before last. It is unnecessary for me to remind the  
“ house that, on that occasion, it was presented by  
“ the late Mr. Grattan. It was sanctioned by the  
“ authority of his name, and enforced by all the re-  
“ sistless powers, which waited on the majesty of his  
“ genius. I have no design to give vent to the  
“ feelings with which my heart is filled, or to  
“ mingle with the public mourning the mere pecu-  
“ liar and selfish regrets, which have followed to  
“ the grave, the friend, by whose confidence I was  
“ honoured, by whose wisdom I was instructed, by  
“ whose example I was guided. His eulogium has  
“ been heard from the lips of kindred eloquence and  
“ genius ; the last duties have been rendered to his  
“ tomb by the gratitude and justice of the British  
“ people ; in his death as in his life, he has been a

“ bond of connexion between the countries. Sir,  
“ I will not weaken the force of that eulogium, or  
“ disturb the solemnity of those obsequies, by my  
“ feeble praise, or unavailing sorrow,—but with re-  
“ spect to the sentiments of that great and good man  
“ on this particular question, I wish to say a word.  
“ Sir, he had meditated upon it deeply and earnestly,  
“ —it had taken early and entire possession of his  
“ mind, and held it to the last,—he would willingly  
“ have closed his career of glory in the act of as-  
“ serting within these walls, the liberties of his  
“ countrymen; but still, regarding them as connected  
“ with the strength, the concord, and the security of  
“ the empire. Sir, he was alive to fame—to the  
“ fame that follows virtue. The love of it clung to  
“ him to the last moments of his life; but though he  
“ felt that ‘last infirmity of noble minds,’ never did  
“ there breathe a human being, who had a more lofty  
“ disdain for the shallow and treacherous popularity  
“ which is to be courted by subserviency, and pur-  
“ chased at the expense of principle and duty. He  
“ felt that this question was not to be carried as the  
“ triumph of a party, or of a sect, but to be pursued  
“ as a great measure of public good, in which all  
“ were bound to forego their prejudices, and to  
“ humble their passions for the attainment of justice  
“ and of peace.—Sir, in the humble walk, and at the  
“ immeasurable distance at which it is my lot to  
“ follow the footsteps of my illustrious friend, I pledge  
“ myself to be governed by the same spirit. I have  
“ a firm and entire persuasion, that justice and policy  
“ require that the prayer of this petition should be  
“ complied with; but I am equally convinced, that if  
“ this question is pressed, or carried on any other

“ terms than those, which will give full satisfaction  
“ to the protestant mind, it cannot be productive of  
“ good. All these objects appear to me to be attain-  
“ able ; with this view, and in this temper only will  
“ I prosecute them.”

Mr. Plunkett then moved, that the petition should be brought up.

Mr. Dennis Browne seconded the motion. The petition was brought up, read, and ordered to be printed.

Petitions to the same effect, from the roman-catholic inhabitants of the parishes of St. Anne's, St. Andrew's, St. Mark's, and St. Peter's, in the city of Dublin, and from the roman-catholic inhabitants of the county and city of Waterford, were brought up by Mr. Plunkett, read, and ordered to be printed ; after which, Mr. Plunkett having, resumed his place, spoke in substance as follows :—

“ Sir, having presented the petitions confided to  
“ me by so respectable portions of the roman-catho-  
“ lics of the empire, it now remains for me to dis-  
“ charge my duty as a member of this house, by  
“ bringing forward a motion founded on their prayer,  
“ and calculated for their relief. I desire to be con-  
“ sidered as applying, not on the part of the roman-  
“ catholics, praying to be relieved from the pressure  
“ of a grievance ; but, as a member of the legisla-  
“ ture, on behalf of protestants and roman-catholics.  
“ I require of this house to take into their consider-  
“ ation earnestly, and immediately, the relative situa-  
“ tion of both ; a situation which, on the one side,  
“ involves the charge of harshness and injustice ;  
“ which excites on the other a sense of injury and  
“ oppression, and which, in its consequences, must

“ be degrading and dangerous, equally to the party  
“ which inflicts and to the party which suffers. My  
“ primary object, therefore, is to arrive at public  
“ good by doing an act of public justice ; I am sure  
“ that if it is an act of justice, it will be the founda-  
“ tion of ultimate concord ; I believe that it will be  
“ productive of a high degree of immediate satisfac-  
“ tion, and will be followed by a warm feeling of gra-  
“ titude. But these are advantages secondary and  
“ inferior, although certainly desirable, and not to be  
“ left out of the account. But, sir, to suppose that the  
“ allaying of present discontent is the principal ob-  
“ ject of the measure which I have the honour to  
“ bring forward is utterly to undervalue its import-  
“ ance, and to misconceive its bearing. Sir, the  
“ roman-catholics of both countries have nobly dis-  
“ entitled themselves to such a topic. On their part,  
“ I am bold to say, that, determined as they are  
“ never to abandon their claims on the justice and  
“ on the wisdom of parliament, their resolution is  
“ equally fixed to await, with patience and confidence,  
“ the result of that wisdom and justice in which  
“ they know they cannot be finally disappointed.  
“ Sir, that there does exist an anxious and eager  
“ desire in that body to share in the rights of Eng-  
“ lishmen I should be ashamed, for them, to deny ;  
“ that there may grow a sickness of hope deferred,  
“ which ought to be administered to them, I will not  
“ attempt to conceal ; neither am I so sanguine as to  
“ think, or so silly as to assert, that the adoption of  
“ any measure, which can be proposed to parliament,  
“ can have the effect of allaying at once every un-  
“ pleasant feeling which a long course of unwise  
“ policy may have produced. I do not entertain

“ the childish expectation that concession will operate as a charm, and that in the very moment in which the storm has ceased to blow, the waves will subside and the murmurs will be hushed ; but I feel convinced that such agitation cannot be formidable or lasting, and that in rendering justice we must obtain security. But, sir, these are not the questions of statesmen ; our duty is to inquire whether injustice is offered to our fellow-subjects, and if so, to atone for it ; whether grievances press on them at which they have reason to be dissatisfied, and if so, to remove them ; whether injurious distinctions exist, and if so, to obliterate them. If these things excite discontent, the more our shame to suffer injustice, and grievances, and injurious distinctions to remain, and the more imperious the call on every honourable mind to do them away. I desire, therefore, in the outset, to have it distinctly understood, that my object is not to apply a palliative to temporary or accidental humours, I call on the deliberate wisdom of this house to look at things, and in their causes ; if they find any institution pressing heavily and unnecessarily on the rights and feelings of any portion of the subjects, they know that it must ultimately generate discontent ; that the longer it is continued, the deeper that discontent must sink into the hearts of the aggrieved parties. But, sir, if these grievances bear not on individuals, or on small classes, but on the great mass of the people, in one of the most important portions of the empire, the house must feel that not a moment should be lost in averting the evils, which must grow from a state of society so alarming and unnatural. Admitting,

“ therefore, that this great measure is exposed to  
“ the lot of all human measures for the happiness  
“ of human beings ; that the unreasonable will not  
“ be convinced ; that those, who wish for war, will  
“ not rejoice in peace ; that the bigots in politics and  
“ in religion will remain true to their bigotry and  
“ blind to their interests ; still, I say, *you* do *your* duty  
“ as legislators, and doubt not that *they* will do *their*  
“ duty as subjects ; the lasting fruit of honest go-  
“ vernment is lawful obedience, as certainly as in-  
“ subordination and resistance grow from insolence  
“ and injustice.

“ Sir, before I enter on the considerations which  
“ appear properly and necessarily to belong to the  
“ subject, I beg leave to deprecate a mode of deal-  
“ ing with it which has been uniformly, and, I fear,  
“ not unsuccessfully resorted to,—I mean the argu-  
“ ment that our plan is not perfect : that there are  
“ incongruities in the detail ; that some of the  
“ offices, which we propose to open, are as dangerous  
“ as some of those which we propose to keep closed ;  
“ that some of the oaths, which we propose to retain,  
“ are as unwise and affrontful as those which we de-  
“ sire to abrogate ; that we are not all agreed as to  
“ the conditions which we would impose, or as to  
“ the necessity of at all imposing them.

“ Sir, this appears to me to be neither a fair nor a  
“ manly mode of meeting the question.

“ If the measure, in any shape or form, is alto-  
“ gether inadmissible, be it so : show this, and there  
“ is an end of it.

“ But, be it good, or be it bad, no man can doubt  
“ that it is a question of deep and vital importance.  
“ Does justice require it? does the constitution



“ admit of it? does policy allow it? all these are  
“ fair and open questions, and must be met; but if,  
“ without impeaching it on these solid and substan-  
“ tial grounds, you content yourself with saying, that  
“ the particular measure is not well matured, or that  
“ there are inconsistencies in the detail, or that the  
“ proposed arrangements are not clear or accurate;  
“ all these, I say, are considerations to excite every  
“ man, who feels an interest in the public good, to  
“ come to the discussion, to join his labours in recon-  
“ ciling the difficulties, and in rounding the arrange-  
“ ments; but it is neither a manly, a patriotic, nor,  
“ give me leave to say, an honest part, to condemn  
“ the principle because the plan is weak; to him  
“ who says that the principle of concession is, in  
“ itself, radically vicious, I have no other answer than  
“ to join issue on its soundness; but to him who  
“ admits that the matter is of deep and earnest in-  
“ terest, but, without saying whether it ought or  
“ ought not to be effected, demurs to its considera-  
“ tion, because he sees imperfections in the means  
“ proposed, I have a right to answer,—where is your  
“ privilege for neutrality or indifference in that  
“ which concerns you as much as me, because it  
“ involves the best interests of your country? if your  
“ objection grows solely from the difficulty, assist me  
“ in getting rid of the difficulty; help me to clear  
“ up what is obscure, to reconcile what appears  
“ inconsistent, to facilitate what appears difficult to  
“ reduce to practice; join with me in removing the  
“ obstacles to that which, if it is not public evil, is  
“ public good.

“ Sir, this is not a question on which any party  
“ has a right to lurch, and practise stratagems, and

“ take advantage. If it is not utterly inadmissible,  
“ the state has a claim on every man who feels that  
“ he has that within him, which is capable of render-  
“ ing public service, to join in the consideration of  
“ it, as its friend and auxiliary. Sir, these claims are  
“ not to be encountered as an invading enemy, or  
“ avoided by device and stratagem. We come for-  
“ ward with no innovation on ancient practice, with  
“ no attack on constituted authority, no quarrel with  
“ existing establishments, no storming of the strong  
“ holds of the constitution, no theoretical experiment  
“ for new rights, no resting on unvouched professions;  
“ but an unanimous body, consisting of millions of  
“ the king’s liege subjects, come before parliament,  
“ humbly and peaceably,—men whose undeviating  
“ loyalty stands recorded on your journals, and your  
“ statute books; they come forward, petitioning to be  
“ admitted to the privileges enjoyed by their ances-  
“ tors, in order that they and their posterity may  
“ enjoy and exercise them, in cordial support of all  
“ the establishments, of all the lawful authorities of  
“ the state, according to the well known principles,  
“ and the sound, tried, practical doctrines of the  
“ constitution.

“ Sir, such claims are entitled to an honourable  
“ meeting; let them be put down by reason and by  
“ truth; but, if that cannot be done, every able and  
“ honest man is bound to assist me in the details  
“ which are necessary, (and most difficult I admit them  
“ to be), for carrying them into effect.

“ Sir, I really do not apprehend that I have to  
“ encounter any feeling of hostility in this house;  
“ I am sure no man *wishes* that the plan of concilia-  
“ tion should be impossible; that there *cannot* be

“ such a plan, I believe no man has sufficient ground  
“ for asserting; I have some confidence in expressing  
“ the hope and opinion that there may, because  
“ I know that, within the last few years, nearly  
“ a majority of this house was of opinion in favour  
“ of a specific plan, of which admission to parliament  
“ formed a part; and had it not been for the indis-  
“ cretion of some of those, who fancied they were  
“ friends to the roman-catholics, that measure would  
“ then have probably been carried.

“ Sir, at that time, the empire was reeling to its  
“ centre, under the heaviest tempest that ever was  
“ weathered by a great nation. I will not believe  
“ that any person who, in that hour of danger and  
“ dismay, yielded his assent to the desires of the  
“ roman-catholics, will now be disposed to retract it.  
“ Sir, it will not easily be forgotten that, proud and  
“ noble as the exertions of the whole British people  
“ have been in bringing that contest to a triumphant  
“ issue, no portion of them have been more distin-  
“ guished than the roman-catholics. They have shed  
“ their blood in defence of our laws and liberties,  
“ with a prodigality of self-devotion, which proves  
“ them worthy to share in them. This house and  
“ this country, I trust, have not hot and cold fits;  
“ and I know that the question will now receive an  
“ attention as anxious and favourable as if the enemy  
“ were pressing to land upon our shore, and our  
“ hopes of immediate safety rested on the cordial  
“ union of every portion of our people.

“ Sir, whatever difference of opinion exists on this  
“ subject, there is little of hostility, nothing of ran-  
“ cour; prejudices, I must say, I believe there are,  
“ but when I call them so, I acknowledge them to

“ be derived from an origin so noble, and to be  
“ associated with feelings so connected with the  
“ times when our civil and religious liberties were  
“ established, that they are entitled to a better name;  
“ and I am confident that they are accessible to rea-  
“ son, and open to conviction, if met by the fair  
“ force of argument, without rudeness and violence.  
“ Sir, it is impossible to mistake the feeling of the  
“ house, and of the enlightened part of the country  
“ on this subject, or to doubt that it is a growing  
“ one.

“ Sir, the liberal and gentleman-like temper in  
“ which the question has been discussed, is in itself  
“ of the highest value; not merely from the hope it  
“ holds out that the cause, if just, must ultimately  
“ prevail, but from the soothing influence with which  
“ it gains on the minds of our fellow-subjects. With  
“ respect to the roman-catholics of Ireland, I am  
“ satisfied that the tone, in which the rejection of  
“ their claims has of late years been uttered, has con-  
“ siderably softened their disappointment at that re-  
“ jection; and I do not think I injure the interests  
“ of my countrymen, when I say that the character of  
“ fair and liberal discussion, with which the question  
“ has been met in the united parliament, the absence  
“ of invidious party feeling, the freedom from big-  
“ otry, the forbearance and moderation which has  
“ generally marked the opinions, and governed the  
“ language of the opponents of the measure, has done  
“ more to conciliate their minds than many of the  
“ concessions which had formerly been made; yield-  
“ ed, as they too generally were, with grudge and  
“ reluctance, and accompanied by reproachful charges  
“ and degrading insinuations.

“ I shall now proceed, without further preface,  
“ to the main argument. The question presents itself  
“ in three distinct points of view ; as a question of  
“ religion, of constitutional principle, and as a ques-  
“ tion of policy and expediency, as referrible to the  
“ stability of our existing establishments.

“ Sir, *on the first topic* it is not necessary that I  
“ should say much. I am led to advert to it, not so  
“ much from the bearing that the application of the  
“ religious principle to civil rights has upon the ar-  
“ gument as it regards the roman-catholic, as from  
“ a feeling of the serious injury which it is calculated  
“ to work on the cause of Christianity. As an argu-  
“ ment affecting the roman-catholics, merely as such;  
“ it has of late been altogether abandoned ; so far  
“ the cause of religion and of truth is much indebted  
“ to a right reverend prelate \* of the established  
“ church, to whom I shall presently have occasion  
“ more particularly to allude. He has fairly acknow-  
“ ledged, (and no one of the right reverend bench,  
“ in whose presence he made the acknowledgment,  
“ disavowed his sentiments), that the profession of  
“ the roman-catholic religion, merely as a religious  
“ opinion, or otherwise than as affording an infer-  
“ ence of a want of civil worth, was not properly the  
“ subject of any political disability ; perhaps, there-  
“ fore, so far as the present measure is concerned,  
“ I might safely dismiss the further consideration of  
“ this topic ; but on my own behalf, and on behalf  
“ of all the members of this house, who are obliged  
“ to make the declaration now required by law, I hope  
“ I shall be excused if I make a few observations.

“ In the first place, it appears obvious that re-

\* The right rev. Herbert Marsh, now bishop of Peterborough.

“ quiring a religious pledge to the state, as a quali-  
“ fication for civil rights, makes religion an affair of  
“ state ; because you cannot lay it down as a rule  
“ to be applied only in a case of true religion ; for  
“ every religion is the true one in the opinion of its  
“ own professors ; and therefore, if the position is  
“ true in our instance, it must be equally true that,  
“ in every state, protestant or catholic, christian or  
“ pagan, the interests of true religion require a  
“ pledge to the state that the person admitted to its  
“ privileges is of the religion of that state. All  
“ this leads to the unavoidable inference that, in the  
“ opinion of those, who so argue, there is no truth  
“ in any religion, and no criterion other than its  
“ adoption by the state. I do not say that such a  
“ principle may not be taken on trust by an honest  
“ man, and hotly insisted on by him, if he happens  
“ to be a zealous man, but I say it cannot be de-  
“ liberately and rationally maintained by any person  
“ who believes that there is any absolute truth in  
“ any religion.

“ Again,—if it is to be an affair of state, why not  
“ require some profession of faith, as a qualifica-  
“ tion? such as ‘ that he is a christian, or that he  
“ believes in God, or in a future state, or that he  
“ has an immortal soul?’ why does the declaration  
“ sound only in horror, and antipathy, and denunci-  
“ ation of another religion? If the law is to be put  
“ into a state of electricity by the church, why not  
“ of positive electricity?

“ Again,—if we are to denounce, why denounce  
“ only one particular sect of christians? why not soci-  
“ nians? why not those who deny the divine nature of  
“ our Lord? why select those, who believe all that we

“ do, merely because they believe something more?  
“ Why not jews, mahometans, pagans? Any one of  
“ these may safely make the declaration, provided  
“ he is willing to commit the breach of good man-  
“ ners which it requires. He may not only deny  
“ our God and our Redeemer, but he may worship  
“ Jupiter or Osiris, an ape or a crocodile, the host  
“ of heaven or the creeping things of the earth; let  
“ him only have a statutable horror of the religion  
“ of others, and agree to brand with the name of  
“ idolatry the religion of the greater part of the  
“ christian world. But further, if the roman-catho-  
“ lic religion is to be singled out as that by the  
“ common bond of hatred to which we are all to be  
“ united in the ties of brotherly love and christian  
“ charity, why select only one particular article of  
“ their faith, and say that the sacrifice of the mass  
“ is impious and idolatrous? Why leave them their  
“ seven sacraments, their auricular confession, their  
“ purgatory? all equally badges of superstition, evi-  
“ dences of contumacy and causes of schism; why  
“ make war exclusively upon this one article? We  
“ all declare solemnly that we consider the sacrifice  
“ of the mass as superstitious and idolatrous; now  
“ I entreat each member of this house to suppose that  
“ I am asking him individually, and as a private gen-  
“ tleman, does he know what is said, or meant, or  
“ done in the sacrifice of the mass; or how it dif-  
“ fers from our own mode of celebrating the com-  
“ munion, so as to render it superstitious and idol-  
“ atrous? If I could count upon the vote of every  
“ member, who must answer me that upon his ho-  
“ nour he does not know, I should be sure of carry-  
“ ing, by an overwhelming majority, this or any other

“ question I might think it proper to propose.  
“ Were I now to enter on a discussion of the nature  
“ of these doctrines, every member would complain  
“ that I was occupying the time of statesmen with  
“ subjects utterly unconnected with the business of  
“ the house or the policy of the country ; can there  
“ be a more decisive proof of its unsuitableness as a  
“ test ?

“ Still, even at the hazard of being censured for  
“ my irrelevancy, I must venture one or two observa-  
“ tions on the point denounced. It is important that  
“ I should do so, because the truth is, that, at the Re-  
“ formation, the difference between the two churches,  
“ on this point, was considered so slight, and capable  
“ of adjustment, that it was purposely left open ; our  
“ communion service was so framed as to admit the  
“ roman-catholics, and they, accordingly, for the  
“ first twelve years of Elizabeth’s reign, partook of  
“ our communion, and there is nothing to prevent a  
“ conscientious roman-catholic doing so at this day.  
“ Sir, the sacrament of our Lord’s supper is, by all  
“ christians, held to be a solemn rite of the church,  
“ ordained by its divine founder, as a commemora-  
“ tion of his sacrifice, and most efficacious to those  
“ who worthily receive it, with proper sentiments of  
“ gratitude and contrition ; so far all christians  
“ agree, and we are on the grounds of scripture and  
“ of common sense ; but beyond this, the roman-  
“ catholic is *said* to assert, that the body of our lord  
“ is actually present in sacrifice ; now this, in the  
“ only sense in which I can affix a meaning to it, I  
“ must disbelieve ; it is contrary to the evidence of  
“ my senses and to the first principles of my reason.  
“ But the roman-catholic states that he does *not* be-



“ believe the body of our Lord to be present in the  
 “ eucharist, in the same sense in which it is said to  
 “ be in heaven ; for he admits that the same body  
 “ cannot be in two places at the same time ; but it  
 “ is present *in a sense* ; the council of Lateran says,  
 “ ‘ sacramentally present ;’ now what this sense is, I  
 “ own baffles my faculties ; the proposition which states  
 “ it, I can neither affirm nor deny, because I cannot  
 “ understand it any more, than if it was laid down as a  
 “ dogma, that it was of a blue colour, or six feet high.  
 “ I feel satisfied, as a sincere christian, resting on  
 “ scripture and reason, that it is not necessary for  
 “ me to involve myself in these mysteries ; and of  
 “ this I am sure, that I should act a very unchristian,  
 “ as well as a very ungentleman-like part, if I were  
 “ to join in giving foul names to the professors of  
 “ this, (to me), incomprehensible dogma.

“ Whether it be a fit subject for polemical contro-  
 “ versy, I will not pretend to say ; queen Elizabeth  
 “ certainly thought it was not, and forbad her divines  
 “ to preach concerning it ; and they thought her  
 “ judgment too good on such points not to render an  
 “ implicit obedience to her commands. Sir, I will  
 “ beg leave to read a short extract from Burnet’s  
 “ History of the Reformation, bearing on this  
 “ point :—‘ The chief design of the queen’s council  
 “ was to unite the nation in one faith, and the greatest  
 “ part of the nation continued to believe such a pre-  
 “ sence (the real presence), therefore it was recom-  
 “ mended to the divines to see that there should be  
 “ no express definition made against it ; that so it  
 “ might be as a speculative opinion, not determined,  
 “ in which every man was left to the freedom of his  
 “ own mind.’ Such were the opinions of queen Eli-

“ zabeth, the founder of the reformation. Perhaps  
“ no monarch ever swayed the British sceptre, who  
“ had so profound an acquaintance with the royal  
“ art of governing. To the protestant religion, cer-  
“ tainly, no monarch ever was more sincerely and  
“ enthusiastically attached; on the truth of these  
“ opinions she hazarded her throne and life. But  
“ she respected the opinions and the sincerity of  
“ others, and refused to make windows to look into  
“ the hearts of her subjects. She, queen Elizabeth,  
“ the founder of the reformation, altered the liturgy,  
“ as it had been framed in the reign of Edward the  
“ sixth, striking out all the passages which denied  
“ the doctrine of the real presence; and this for the  
“ avowed purpose of enabling the roman-catholics to  
“ join in communion with the church of England;  
“ and am I to be told, that this was done in order  
“ to let in idolaters to partake of, and to pollute our  
“ sacrament? But, it seems, some of the divines of  
“ our day are better protestants than queen Eliza-  
“ beth; if she were alive again, I should be curious  
“ to see them tell her so. Sir, these things are cal-  
“ culated to injure the cause of true religion: the  
“ christian is a meek and well-mannered religion,  
“ not a religion of scolding and contentious reviling;  
“ it is an outrage on that religion, and a dangerous  
“ attack upon its evidences, to say that the mission  
“ of its divine Founder has hitherto served only to  
“ establish superstition and idolatry among man-  
“ kind; and that, except for a favoured few, his blood  
“ has been shed in vain.—Sir, in whatever point of  
“ view we turn this question, the absurdities increase  
“ upon us; we have legalized their religion and the  
“ sacrifice of the mass; and if that is idolatrous,

“ the king, lords, and commons are promoters of  
“ idolatry. By the 31st of the late king, we require  
“ the party claiming certain privileges to swear that  
“ he is an idolater; by the same act, we excuse him  
“ from coming to our church, only on condition of  
“ his going to mass; that is, we inflict on him penal-  
“ ties which are to be remitted on the express terms  
“ of his committing an act of idolatry. By the same  
“ act, we inflict penalties on any person who disturbs  
“ him in the exercise of his idolatry; in Ireland, we  
“ admit him to the magistracy, and to administer  
“ the laws of a christian country; requiring from  
“ him, as a preliminary condition, his oath that he  
“ is an idolater.—Sir, when we reflect on all this,  
“ and that we have established their religion in  
“ Canada, and that we are in close alliance, for the  
“ purpose of protecting religion and morals, with  
“ great nations professing the roman-catholic religion,  
“ is it not obvious that the perseverance in such a  
“ declaration is calculated to bring our religion and  
“ our character into contempt, and to make thinking  
“ men doubt the sincerity of our professions? What-  
“ ever may be the fate of the other part of this ques-  
“ tion, I cannot bring myself to believe that this  
“ outrage upon the religious decencies of the country  
“ will be suffered to remain on our statute book.

“ Sir, I shall now proceed to the consideration of  
“ *the question, so far as it involves the objection de-*  
“ *rived from the supposed existence of certain prin-*  
“ *ciples of the constitution, inconsistent with the claims*  
“ *of the roman-catholics.* I shall endeavour to show  
“ that the exclusion of the roman-catholics from  
“ franchise and from office, is repugnant to the  
“ ascertained principles of our free monarchy; that

“ these principles existed before the Reformation, and  
 “ were coeval with the first foundation of our con-  
 “ stitution ; that they were not touched at the Refor-  
 “ mation, or at the Revolution, or at either of the  
 “ Unions ; that the restriction or suspension of them  
 “ grew out of temporary causes ; that they were so  
 “ declared and acknowledged at the time ; that, when  
 “ well considered, they afford a confirmation of the  
 “ principle, that these causes have long since ceased  
 “ to operate ; that we have acknowledged it ; that  
 “ we have acted on this acknowledgment in concerns  
 “ of the deepest moment ; that we have framed a  
 “ course which, if the acknowledgment be true, is  
 “ imperfect justice ; if false, is absolute folly and  
 “ rashness ; and that, if we stop where we are, we  
 “ are precisely in the situation of exciting every dis-  
 “ content, and organizing every mischief which can  
 “ be generated by a sense of injury, and arming  
 “ the party aggrieved with all the strength, and all  
 “ the means of wreaking that resentment, which  
 “ belong to solid and essential power ; a situation  
 “ from which we cannot be relieved by shifts or  
 “ devices ; one, whose difficulties must every day  
 “ augment, and, if only put aside, must recur with  
 “ aggravated pressure ; that there is only one mode  
 “ of dealing with the difficulty ; that the part of  
 “ justice and of safety is the same ; that we are called  
 “ on to try the principle on which we have acted  
 “ during the entire of the late reigns, and if we find  
 “ it a sound one, to carry it to its full extent.

“ By the constitution of England, every liege  
 “ subject is entitled, not merely to the protection of  
 “ the laws, but admissible to all the franchises and  
 “ all the privileges of the state ; for the argument

“ which I have now to deal with is this, ‘ that by  
“ some principle of the constitution, independent of  
“ the positive law, the roman-catholic is necessarily  
“ excluded ;’ what then is this principle of exclusion ?  
“ merely this, ‘ that they acknowledge the spiritual  
“ supremacy of the pope ;’ why then if, *independen-*  
“ *dently of the positive law*, this acknowledgment  
“ deprives them of the privileges which belong  
“ to the liege subjects of the realm, the exclusive  
“ principle must have been in force before the law.  
“ If so, there did not exist in England a liege man  
“ entitled to the privileges of the constitution before  
“ the time of Henry the eighth ; for till then all  
“ acknowledged the spiritual supremacy of the pope.  
“ Magna Charta was established by outlaws from  
“ the state ; those gallant barons, whose descendants  
“ have been so feelingly alluded to by my noble  
“ friend\*, though they were indeed permitted to  
“ achieve, yet were not entitled to share the liber-  
“ ties of their country,—they might not dare to open  
“ the great charter which had been won by their  
“ hardihood and patriotism ; nay more, if this prin-  
“ ciple is true, there is not, at this moment, a liege  
“ subject in any catholic country in Europe. Sir,  
“ such trash as this shocks our common sense, and  
“ sets all argument at defiance.

“ What is this spiritual supremacy, and how does  
“ it affect the civil allegiance of the subject ? The  
“ roman-catholic submits to the authority of the  
“ common and statute law ; he acknowledges the  
“ force and bindingness of all constituted authori-  
“ ties and jurisdictions, civil and ecclesiastical ; he  
“ claims no coercive or contentious jurisdiction, or

\* Lord Nugent.

“ other than merely conscientious ; and the fullest  
“ illustration may be found in this, — that, though spi-  
“ ritual censure might, in this conscientious forum,  
“ attach on a marriage which our law allows, yet  
“ still they fully admit the legality of the marriage  
“ for all civil purposes, and would visit with their  
“ spiritual censures any member of their church who  
“ transgressed against the civil rights which belong  
“ to the wife or to the issue.

“ This I believe they are ready to testify, in any  
“ form of words you may think it right to introduce ;  
“ or to take the oath of supremacy, if altered or ex-  
“ plained in that sense ; and for the purpose of try-  
“ ing the practicability of some such measure, I  
“ propose going into committees. Sir, if it is said  
“ that the spiritual power may be abused for tem-  
“ poral purposes, and that the appointment of their  
“ bishops may be an instrument for such purposes,  
“ I admit both ; I shall allude to them more particu-  
“ larly before I conclude, and I, for one, shall most  
“ cheerfully concur in the appropriate remedies ; but  
“ to say that, therefore, the *allegiance* of the roman-  
“ catholic is imperfect, is an abuse of terms. Sir,  
“ after the repeated declarations of the legislature of  
“ both countries on this subject, it would seem not  
“ unreasonable to require from those who take upon  
“ themselves to graduate the scale of allegiance, for  
“ the purpose of exclusion from common right, to  
“ show where, in the principles of our law and con-  
“ stitution, or where, in the regions of common sense,  
“ they find the canon on which this exclusion is  
“ founded. Sir, it has been with no ordinary degree  
“ of regret that I have heard the opinion of the dis-  
“ tinguished and learned prelate, to whom I have

“ before alluded, on this subject ; he, with a candour  
“ which does him honour as a minister of religion,  
“ fairly avows that the religious consideration is  
“ entirely to be thrown out of the case, save so far  
“ as it bears on the civil worth of the party. But he  
“ says, that ‘ inasmuch as the roman-catholic yields  
“ that spiritual homage to the pope, which, (as he  
“ thinks), the protestant of the established church of  
“ England yields to the king, and which the pro-  
“ testant of the established church of Scotland yields  
“ to no man, he conceives himself warranted to infer  
“ that he possesses less of what he calls civil worth ;  
“ and not only this, but that this difference is so  
“ important as to become a specific difference, and  
“ therefore to warrant the separation of the roman-  
“ catholics into a distinct species, necessarily ex-  
“ cluded from offices and franchises, while the two  
“ others continue entitled to the enjoyment of both.’  
“ Sir, this is the kind of reasoning which Mr. Locke  
“ describes as ‘ seeing a little, presuming a great deal,  
“ and so jumping to a conclusion.’ It might have  
“ occurred to the mind of the learned prelate, accus-  
“ tomed to the precision of mathematical proof, that  
“ if the roman-catholic, for the reason assigned, really  
“ had less civil worth than the protestant, it would  
“ not therefore follow that he should be excluded,  
“ unless the protestant’s quantity of civil worth were  
“ first proved to be the minimum which would war-  
“ rant admission ; but what may be the nature of this  
“ quality, which he is pleased to designate under the  
“ new appellation of ‘ civil worth,’ he has not thought  
“ proper exactly to state ; it leaves out, I presume,  
“ all consideration of birth or fortune, or such like ;  
“ also the accidental circumstances of education, and

“ learning and talents ; also the unessential attributes  
“ of truth and honour and probity ; these all are  
“ circumstances too mean to form any part of his  
“ abstractions. I must presume so ; for the person  
“ who possesses them all, in the highest degree, if  
“ he happens to acknowledge the spiritual supre-  
“ macy of the pope, is actually excluded, is below  
“ zero in his scale of ‘ civil worth ;’ and the person  
“ who is utterly destitute of all of them is admitted,  
“ provided he is not so punctilious as to refuse to  
“ deny that supremacy,

“ Sir, to the English dissenter, and to the orthodox  
“ Scotsman, he manifests a degree of indulgence,  
“ which does more credit to his liberality than to his  
“ logic ; they, it seems, are deficient in this ‘ civil  
“ worth,’ but still he admits them rather, I suppose,  
“ to a kind of limbo, between the enjoyments which  
“ belong to perfect allegiance and the curse of utter  
“ exclusion. But he has, by some process, ascer-  
“ tained that the roman-catholic has reached the  
“ exact degree of deficiency which necessarily draws  
“ down the sentence of condemnation.

“ Sir, it would have become the gravity and sta-  
“ tion of the person who made this assertion, to refer  
“ to some authority or analogy of our constitution  
“ to warrant it, and not arbitrarily to draw a line of  
“ such fatal denunciation, merely because he has  
“ discovered a circumstance which distinguishes from  
“ each other two classes of his fellow-subjects and  
“ fellow-christians. Mr. Burke truly says, that ‘ there  
“ is no description of men more abused than the  
“ metaphysician, who, dealing in essences and uni-  
“ versals, rejects the consideration of more and  
“ less ;’ and never was the justice of this truly phi-



“ philosophical remark more strongly exemplified than  
“ in this argument, which excludes from the pale of  
“ the state, and from the hope of the royal favour,  
“ the Howards and the Arundels, and the long line  
“ of illustrious persons who have shone with the  
“ brightest lustre on the noblest periods of our his-  
“ tory, who have gained the charter of our liberties,  
“ and fought the battles of law and freedom ; and all  
“ this for want of ‘ civil worth ;’ and lets in the  
“ lowest and the vilest, no matter of what descrip-  
“ tion, slaves or traitors, outcasts from every thing  
“ connected with truth or virtue,—and this, because  
“ their ‘ civil worth.’ is authenticated by their deny-  
“ ing the spiritual authority of the Roman pontiff.

“ Sir, neither in this, nor in any thing, is our  
“ constitution metaphysical or pedantic ; political  
“ constitutions are not like natural ones ; they grow  
“ out of the action of man on man ; there must be  
“ choice approbation, distinction founded on moral  
“ differences. The wisdom, and justice, and discre-  
“ tion, by which the moral order is administered, are  
“ all unlike the laws of matter and of motion, which  
“ govern the physical world ; and, therefore, when  
“ we hear of a machinery so constituted as to be  
“ capable of letting into trust every thing that is  
“ unworthy, and of shutting out every thing that is  
“ exalted, we may be assured that we have to do  
“ with idle dreams, and that they do not proceed  
“ from any waking, sober, practical views of British  
“ law and constitution. Sir, if it is said, that this  
“ touchstone does not let in the rabble I have de-  
“ scribed, but merely makes them eligible, then we  
“ come back to the true principles of our policy ; the  
“ power of the crown to reject the base, and to select

“the worthy ; the power of the people to exclude  
“from the franchises which depend on their favour,  
“the candidates who are not deserving ; and above all,  
“the controlling good sense and vigilance of the public  
“mind to see that these privileges are not abused.

“ Sir, these are the sound, and rational, and prac-  
“tical principles on which our constitution has been  
“formed ; by these it must be preserved, and not by  
“the affectation of what Mr. Pitt, with peculiar feli-  
“city, calls ‘ a harsh uniformity ;’ not by inert ab-  
“stractions, which are fit only for the school and the  
“cloister, but become ridiculous when applied to  
“the concerns of states, and to the business of life.

“ Sir, I speak in the presence of enlightened,  
“constitutional lawyers and statesmen, and I do  
“not fear a contradiction when I assert, that the  
“doctrine of exclusion is not to be found in the  
“principles, or in the analogies of our constitution,  
“or in the history of our country, or in the opinion  
“of any statesman, whose name or memory has  
“reached us ; it is, at once, inconsistent with the  
“subject’s rights, and with the king’s prerogatives ;  
“ours is a free monarchy, and it is of the essence  
“of such a government, that the king should be en-  
“titled to call for the services of all his liege sub-  
“jects, otherwise it is not a monarchy ; and that no  
“class of his subjects should be excluded from fran-  
“chise, otherwise it is not a free monarchy. I use  
“the word franchise, not in the lawyer’s technical  
“sense of it, as a right supposed to be derived by  
“prescription, or grant from the crown, but in the  
“sense of Mr. Burke, when he applied it to the right  
“of voting for members to sit, and to the right of  
“sitting in parliament. Sir, these are privileges not

“ derived from the grace of the crown, or the per-  
 “ mission of the legislature, or from the positive  
 “ declaration of any written law, but drawn from the  
 “ great original sources from which crown and law  
 “ and legislature have been derived; from the sacred  
 “ fountains of British constitution and freedom; the  
 “ denial of which, as justified by any supposed  
 “ principles of our constitution, I take on me to de-  
 “ nounce as founded on a radical ignorance of the  
 “ essence and stamina of our civil polity\*.

“ Such was not the opinion of lord Bacon. With  
 “ the permission of the house I will read the words  
 “ of that illustrious statesman and philosopher. In  
 “ his bird’s eye view of our constitution, after enu-  
 “ merating the classes of alien enemies, alien friends,  
 “ and denizens, he goes on thus: ‘ The fourth and  
 “ last degree is a natural born subject, and he is  
 “ complete and entire; for, in the law of England,  
 “ there is *nil ultra*; there is no more subdivision, no  
 “ more subtle distinction beyond these; and hence  
 “ it seems to me that the wisdom of our law is to be  
 “ admired, both ways, both because it distinguisheth  
 “ so far, and because it doth not distinguish farther;  
 “ for I know that other laws do admit more curious  
 “ distinctions of this privilege; for the Roman law,  
 “ besides ‘ *jus civitatis*,’ which amounts to natu-  
 “ ralization, has ‘ *jus suffragii*;’ for though a man  
 “ were naturalized to take lands of inheritance, yet  
 “ he was not entitled to have a vote at the passing of  
 “ laws, or at election of officers, and yet further they

\* It is obvious, from the entire context, that the above obser-  
 vations apply to the argument which rests not on the positive  
 law (whose validity is incontrovertible), but on a supposed prin-  
 ciple of the constitution, which stands in way of its repeal.

“ have ‘*jus petitionis*,’ or ‘*jus honorum* ;’ for although a  
“ man had a voice, yet he was not capable of honour  
“ or office : but these are the devices commonly of  
“ popular or free estates, which are jealous whom  
“ they take into their number, but are unfit for mo-  
“ narchies, *but by the law of England, the subject*  
“ *that is natural born hath a competency or ability to*  
“ *all benefits whatever.*’

“ This principle of exclusion, therefore, is equally  
“ at war with the prerogative of the crown, and the  
“ title of the subject. It wrests the sceptre from the  
“ king that it may strike at the liberties of the people,  
“ and obtrudes an unconstitutional monopoly on the  
“ just rights of both. It is an insolent republican  
“ principle, which has more than once been pub-  
“ licly and universally reprobated in this house ; the  
“ principle of lawless association, for the purpose of  
“ lawless exclusion, and which promises a conditional  
“ allegiance to the monarch, so long only as he shall  
“ uphold the arrogant and exclusive claims of one  
“ class of his subjects against the inherent rights and  
“ privileges of the other. Sir, I shall now proceed  
“ to show that this principle of common right was  
“ not touched, or meant to be touched, at the Re-  
“ formation. The house will be so good as to excuse  
“ my dwelling somewhat on this part of the ques-  
“ tion, as no portion of our history is less understood  
“ than that of the Reformation, as affecting the civil  
“ rights of the roman-catholics. Sir, the act of su-  
“ premacy was intended, not as a test of religion,  
“ but of loyalty ; not to distinguish the roman-catholic  
“ from the protestant, but the well-affected roman-  
“ catholic, who acknowledged the queen’s title and  
“ authority, from the disaffected who denied both.

“ The title of the act is, ‘ An Act for *restoring to the*  
“ *crown the ancient jurisdiction* over the state, eccle-  
“ *siastical and spiritual.*’ The queen’s injunction and  
“ admonition were issued to explain the oath for the  
“ express purpose of enabling the roman-catholics;  
“ as well as other classes of dissenters, to take it.  
“ After ordering all offensive words, such as papist,  
“ heretic, schismatic to be forborne, under severe  
“ pains, she declares ‘ that she does not pretend to  
“ any authority, save that which had, *at all times,*  
“ belonged to the imperial crown of this realm, namely;  
“ that she had the sovereign rule over all persons  
“ under God, *so that no foreign prince had rule over*  
“ *them* ; and if those, who formerly appeared to have  
“ scruples about the oath were willing to take it in  
“ that sense, she was well pleased to accept of it, and  
“ did acquit them of all penalties in the act.’ This  
“ explanation so given by the authority of the queen  
“ is adopted by the legislature, and incorporated into  
“ the act of the 5th of Elizabeth, which is the first  
“ that requires the oath of supremacy from the mem-  
“ bers of the house of commons. The 17th section  
“ of this act is particularly entitled to attention ; it  
“ recites in these words, ‘ whereas the queen is *other-*  
“ *wise* sufficiently assured of the loyalty of the tem-  
“ poral lords of her high court of parliament ; there-  
“ fore the act shall not extend to them.’ Here, sir,  
“ is a legislative proof that the act of supremacy was  
“ a test, not of religion but of loyalty, not of exclu-  
“ sion but of selection ; and accordingly, enumerating  
“ a class of acknowledged roman-catholics, of whose  
“ faith and loyalty she was assured, and as such ad-  
“ mitting them to the high court of parliament, and to  
“ all offices whatsoever. I have already adverted to

“ the alteration of the litany and communion service’  
“ for the express purpose of admitting the roman-  
“ catholics ; and any person who will take the trouble  
“ of looking into the history of the times, will see  
“ that for the first twelve years of her reign, the  
“ roman-catholics attended the service of the church  
“ of England ; so it is stated by lord Coke in Cawdry’s  
“ case, and so by Rapin, Burnet and Hume.—Nor  
“ was it until the twentieth year of her reign, when  
“ the Spanish schemes against her crown and life  
“ were aided by the machinations of the foreign  
“ priests imported into England, that the punish-  
“ ment and exclusion of the roman-catholics com-  
“ menced. Sir, all this is well explained in Wal-  
“ singham’s letter to Monsieur Critoy, and which is  
“ to be found in Burnet. The queen there recog-  
“ nises two principles, ‘ first, that consciences were  
“ not to be forced, but to be won and reduced by  
“ force of truth, with the aid of time, and all good  
“ means of instruction and persuasion ; the other,  
“ that causes of conscience, when they exceed their  
“ bounds, and grow to be matters of faction, lose  
“ their natures ; and that sovereign princes ought  
“ distinctly to punish their contempt and practices,  
“ though coloured with the pretence of conscience  
“ and religion ; not to make windows into men’s  
“ hearts, but to punish their overt acts ;’ and he de-  
“ fends her majesty from the charge of being a  
“ temporizer in religion. ‘ It is not (he says) the suc-  
“ cess of things abroad, or the change of servants  
“ here at home can alter her ; *only as the things them-*  
“ *selves altered, she applied her religious wisdom to*  
“ *methods correspondent with them, only attending to*  
“ the two distinctions above-mentioned, 1st, in dealing

“ tenderly with conscience ; and 2dly, distinguish-  
“ ing faction from conscience and softness from  
“ singularity.’ These, sir, I repeat it, are the dictates  
“ of royal wisdom, and thus, I humbly trust, our  
“ gracious sovereign will apply his royal and religious  
“ wisdom, that as the things themselves have altered,  
“ he may adopt methods correspondent with them.  
“ Sir, during the entire reign of Elizabeth, some of  
“ the highest and most confidential offices in the state  
“ were filled by roman-catholics ; and Mr. Hume  
“ states, as a thing notorious, that James the first  
“ gave preferment indifferently to his roman-catholic  
“ and protestant subjects.

“ That roman-catholics sat and were considered  
“ as entitled to sit in the house of commons as well  
“ as in the house of lords, until excluded by the act  
“ of the 30th of Charles the second, is evident from  
“ Sir Solomon Swaile’s case ; in the year 1677, (the  
“ year before the 30th Charles the second), he was  
“ expelled, not for being a papist, which was ad-  
“ mitted and notorious, but for being a recusant.  
“ Sir Robert Sawyer’s argument is this, ‘ a popish  
“ recusant cannot come near the king’s person, and  
“ *à fortiori* he cannot be of the great council of the  
“ realm ; whoever disables himself from his attend-  
“ ance in parliament you ought to discharge ;’ and  
“ the resolution of the house is, ‘ that Sir Solomon  
“ Swaile is convicted of popish recusancy, and there-  
“ fore discharged.’ So that for one hundred and twenty  
“ years after the reformation had been completed by  
“ Elizabeth, the notion that any merely religious  
“ tenet should disqualify for civil rights was never  
“ acted on or announced ; the very title of the act  
“ of the 30th Charles the second is decisive, it

“ being ‘for the more effectually preserving the king’s  
“ government by disabling papists to sit *in either*  
“ house of parliament.’ Sir, the reason is obvious  
“ why the measure was then resorted to; the reli-  
“ gion of Charles was more than suspected, and the  
“ presumptive heir was known to be a roman-catho-  
“ lic; and had he been at liberty to fill the offices  
“ of the state with papists, (in the most offensive  
“ sense of the word), and to pack a popish parlia-  
“ ment, there would have been no safety for the  
“ protestant establishment, or for the civil liberties  
“ of the country. Sir, this case properly formed  
“ an exception to the universality of Lord Bacon’s  
“ rule; for the king’s power of selection ceased to afford  
“ any security; the functions of royalty were so far  
“ paralyzed, or worse, and the exception proves the  
“ justness of the rule. But were the exceptions then  
“ introduced made fundamental articles of our con-  
“ stitution? Were they incorporated with the great  
“ principles declared at the Revolution? No; but the  
“ particular mischief is for ever guarded against, by  
“ making it a fundamental law of the land, that the  
“ king shall be of the protestant religion as by law  
“ established; thus applying a remedy precisely  
“ commensurate with the evil, not declaring that  
“ the valves of the constitution should be for ever  
“ closed against any portion of the people, but put-  
“ ting them under the control and guardianship  
“ of the king, declaring that he should execute that  
“ sacred trust no longer than while he continued a  
“ member of the established protestant church. Sir,  
“ if I am asked, why then, when the protestantism of  
“ the throne was thus secured, did the provisions of  
“ the 30th of Charles the second continue? I an-



“ swer, because the danger was not in fact done away,  
“ or at least the apprehension of it; because the  
“ return of the exiled family still impended over  
“ the country; that we have narrowly, by God’s  
“ providence, escaped that calamity; and that it was  
“ not until nearly the period of his late majesty’s ac-  
“ cession that all apprehensions on that score were  
“ effectually removed. But any person acquainted  
“ with the history of that period knows that the 30th  
“ of Charles the second was merely a substitute for  
“ a bill of exclusion; and that if the latter could have  
“ been obtained the former never would have been  
“ resorted to; and bishop Burnet tells us that king  
“ William mainly rested the policy of that law on  
“ the popery of the throne, stating that, *while the*  
“ *king was not a protestant*, that law was the only  
“ security of the establishment.

“ Sir, I think I have now shown that these no-  
“ tions of exclusion are at war with the original  
“ spirit of our constitution, and that they form no  
“ part of the system either of the reformation or of  
“ the revolution. I will now proceed to demonstrate,  
“ from the records of parliament and the authentic  
“ history of the times, that this act of Charles the  
“ second, which had been adopted as a necessary  
“ restriction for the time, was always refused as a  
“ permanent law, and carefully kept out of the whole-  
“ some circulation of the constitution; and that the  
“ period was always looked to, and the means anx-  
“ iously preserved, of recurring to its true principles  
“ when the accidental obstruction should be re-  
“ moved. Sir, by the act of the 4th and 5th of  
“ queen Anne, cap. 8, the lords justices were em-  
“ powered to act in the event of the queen’s death,

“ until the arrival of her successor ; the 16th sec-  
“ tion of the act disables them from giving the royal  
“ assent to any bill for repealing the act of unifor-  
“ mity ; and why ? because it was held to be a per-  
“ petual and fundamental law ; but it was proposed  
“ in the house of lords to introduce a clause dis-  
“ abling the commissioners from assenting to the  
“ repeal of the 25th of Charles the second (the test  
“ act), or the 30th of Charles the second, (the act re-  
“ quiring the declaration), *and the proposition was*  
“ *rejected* ; here then is a direct and positive proof  
“ that the statesmen and legislature of that day did  
“ not contemplate the perpetual continuance of that  
“ law, and that they considered it as of a different class  
“ and order from that, which secured the protestant  
“ established church fundamentally and unalterably ;  
“ yet *now* it seems it has become a sacred element  
“ of the constitution, which it would be sacrilege to  
“ touch. When, in the following year, the Scottish  
“ union was brought forward, they did not venture  
“ even to propose the 30th of Charles the second,  
“ as a provision to be incorporated as fundamental,  
“ but the zeal of bigotry did propose the test and  
“ corporation acts ; the proposition was made in the  
“ house of lords, on the 1st of February 1706, for  
“ the insertion of the test act as a fundamental law,  
“ and, in the house of commons, for a similar inser-  
“ tion of the test and corporation acts, and on full  
“ debate, the propositions were, in both houses, re-  
“ jected. What the parliament intended as funda-  
“ mental, it expressly declares, namely, the Scotch  
“ act for the security of the church of Scotland, and  
“ the English act for the security of the church of  
“ England ; and they declare, ‘ that the said acts

“ shall, for ever, be held and adjudged to be ob-  
“ served as fundamental and essential conditions of  
“ the said union, and shall, at all times coming, be  
“ taken to be, and are thereby declared to be, essen-  
“ tial and fundamental parts of the said articles and  
“ union ;’ but when they come to state the oaths to  
“ be taken on admission to parliament, the words  
“ are these, ‘ that every one of the lords of parlia-  
“ ment of Great Britain, and every member of the  
“ house of commons, *until the parliament of Great*  
“ *Britain shall otherwise direct*, shall take the oath  
“ of allegiance and supremacy, and shall subscribe  
“ the declaration contained in the act of the 30th of  
“ Charles the second.’ What are the terms of the  
“ act of union with Ireland ? ‘ That every one of the  
“ lords of parliament, and every member of the  
“ house of commons of the united kingdom, shall,  
“ *until the parliament of the united kingdom shall*  
“ *otherwise provide*, take the oaths and subscribe the  
“ declaration now by law required to be taken, made  
“ and subscribed by the lords and commons of the  
“ parliament of Great Britain.’ Sir, here is the  
“ clear and express recognition by the legislature of  
“ both countries of the temporary nature of these  
“ oaths. In the words and in the spirit of both the  
“ unions, I call upon you now ‘ otherwise to deter-  
“ mine.’ Backed then by the known principles of  
“ the constitution, growing out of the nature and  
“ essence of our free monarchy ; backed by the his-  
“ tory and well authenticated objects of the Reforma-  
“ tion, by the public declaration of queen Elizabeth,  
“ and of her ablest ministers ; supported by the de-  
“ clarations of the 5th of Elizabeth, expressly stating  
“ that the oaths required were tests of loyalty and

“ not of religion, and admitting the roman-catholic  
“ peers on the ground of their known loyalty, inde-  
“ pendent of the oath ; supported by the admitted prac-  
“ tice of one hundred and twenty years from the 1st of  
“ Elizabeth to the 30th of Charles the second ; having  
“ the clear evidence of history to show that the inno-  
“ vation then made grew out of circumstances acci-  
“ dental and temporary ; supported by the Bill of Rights  
“ and Act of Settlement, which provide the proper  
“ remedy for the temporary evil, by a perpetual and  
“ fundamental law, securing the protestantism of the  
“ throne ; supported by the positive refusal of the  
“ house of lords, in the 4th and 5th of queen Anne,  
“ to treat it as a fundamental law ; by the facts of  
“ its not being ventured to be proposed as a final  
“ regulation at the Scottish union, though the test  
“ and corporation acts were so proposed, and un-  
“ successfully ; with the provision in the articles of  
“ that union, which, while it defines the articles  
“ that were to be held fundamental, declares that  
“ the oath and declaration shall continue to be taken  
“ only until the British parliament should otherwise  
“ provide ; and with the express provisions of the  
“ legislatures of Great Britain and Ireland, at the  
“ Irish union, to the same effect ; supported as I am  
“ by the records of parliament, and the undeniable  
“ facts of history, by the acts of the last fifty years,  
“ which, if this principle were a sound one, would  
“ have been a continued outrage on the constitu-  
“ tion ; with the authority of the illustrious men who  
“ were cotemporary with that system of conciliation ;  
“ Dunning, Pitt, Fox, Burke, Sheridan, Wyndham,  
“ enlightened statesmen, who saw their way, and  
“ engaged in this order of restoration on no light

“ or superficial views, but on careful results, as wise  
“ and deliberate as they were liberal and noble, and  
“ who were well aware that if this course were to  
“ end in any thing short of the full renovation of civil  
“ rights, it would have been, not a plan of policy,  
“ but a paroxysm of phrenzy ; supported by these  
“ great names, and not encountered by one which  
“ has had sufficient buoyancy to float along the  
“ stream of time ; with these authorities, I ask, have  
“ I not redeemed (I had almost said triumphantly)  
“ the pledge which I threw down, when I arraigned  
“ the principle of exclusion as founded on a radical  
“ ignorance of the essence and stamina of our con-  
“ stitution. Triumph, sir, I cannot feel, when I  
“ miss the ornaments of this house ; when there is  
“ painfully obtruded on my mind the recollection of  
“ the losses which this cause and this country has  
“ more recently sustained ; of Mr. Whitbread, the  
“ watchful and incorruptible sentinel of the constitu-  
“ tion ; the more than dawning talents and virtues  
“ of Mr. Horner ; the matured excellencies of Sir  
“ Samuel Romilly, a light extinguished which threw  
“ a steady lustre, not merely on his profession and  
“ his country, but over all the interests of mankind ;  
“ Mr. Ponsonby, the constitutional statesman, who  
“ led the ranks of opposition with disinterested ho-  
“ nour, equally revering the constituted authorities  
“ and the people’s rights ; my ever lamented friend  
“ Mr. Elliot, noble in his nature as he was liberal  
“ in his sentiments, a model of what aristocracy  
“ ought to be, a bond between the people and the  
“ throne ; Sir Arthur Pigott, the genuine representa-  
“ tive of the sound, honest, constitutional English  
“ lawyer ; above all, when I revert to this last

“ and heaviest disaster, this dark and overwhelming  
“ calamity on which I dare not trust myself to speak,  
“ I feel any thing but triumph ; I feel that in passing  
“ before the images of these illustrious men, there  
“ is a funeral gloom thrown over this great proces-  
“ sion, in which we are moving to offer up our bad  
“ passions and angry prejudices upon the altar of  
“ freedom and of concord.—But, sir, though I feel  
“ no triumph, I boldly appeal to the sense and  
“ candour of the house, whether what I have endea-  
“ voured to demonstrate does not require some better  
“ answer than vague and general assertions, that the  
“ principles of the constitution, and of the reforma-  
“ tion, and of the revolution, are hostile to the  
“ claim of civil rights, and whether the roman-catho-  
“ lic can consider himself as fairly dealt with while  
“ his exclusion is rested on such gratuitous and  
“ arbitrary dogmas.

“ Sir, I am conscious that I press on the indul-  
“ gence of the house, but there remains one topic  
“ to which it is absolutely necessary that I should  
“ closely and earnestly address myself, because I  
“ know that there are many persons, most worthy,  
“ respectable, liberal, who, on the score of religion,  
“ and of constitutional principle, are quite alive and  
“ friendly to the claims of the roman-catholics, but  
“ who, at the same time, have serious apprehensions  
“ that the removal of their disabilities might endan-  
“ ger our establishments in church and state. Could  
“ I believe that the measure of redress involved con-  
“ sequences of injury or of danger to these establish-  
“ ments, dear to my heart as I hold the interests of  
“ my roman-catholic countrymen, I should abandon  
“ their long-asserted claims, and range myself with

“ their opponents ; but having the most entire conviction of the groundlessness of the apprehension, and entertaining a sanguine hope that such alarms may be removed from the minds of those who are sincere in their profession of them, I particularly entreat the attention of the house. To the right honourable member for the university of Oxford \*, I beg leave especially to address myself, and I assure him I do so with all the respect due to his talents, his acquirements, and his integrity ; to his high principles as a statesman and as a gentleman ; I am well aware that there is no member of this house whose opinions are so likely to have influence on this subject, or whose being confirmed in his prejudices (if they are prejudices) is so likely to produce serious injury to the country.

“ Is it true then, that the church is not exposed to any danger ? I certainly will not take it on myself to make the assertion ; but I say that this danger, whatever it may be, exists at this moment, and that the proposed measure, therefore, cannot produce it ; I say, that it is not calculated to increase it ; I go further, and I assert that it is, in the highest degree, calculated to diminish it.

“ Sir, the question is unfairly dealt with when it is asked what security have we for the protestant church, if we adopt this measure ? I answer, every security which you have if you do not adopt it, and a great deal more ; the fallacy consists in supposing that we propose to pass from a state of security and ease, to an untried scene of difficulty and danger ; whereas the danger at this moment exists—the disproportion between the Roman-

\* Mr. Peele.

“ catholic population, and that of the establishment  
“ (I speak of Ireland) is not produced by this mea-  
“ sure; the insecurity is in the narrowness of the  
“ basis, which neither this or any other measure can  
“ either cause, or remove, though it may in some  
“ degree remedy it; and it is beyond the reach of  
“ human art to provide an adequate remedy in any  
“ other way than by making it the interest and duty  
“ of this population to abide by and to support the  
“ establishment. Let those who propose not to  
“ meddle with this question, but to leave it to tide  
“ and time, consider the nature of the dangers as  
“ stated on a former occasion by the right honoura-  
“ ble member for Oxford, or suggested by him, and  
“ every one of which exists at this moment in all its  
“ dimensions, without any reference to this measure.  
“ I shall endeavour to enumerate them substantially  
“ as put forward by him, or as necessarily resulting  
“ from the statements made by him.—First, The  
“ exceeding disproportion of the roman-catholic to  
“ the protestant population in Ireland.

“ The right honourable member did not, I believe,  
“ profess to state it exactly; I myself believe that it  
“ is much greater than is generally supposed,—but  
“ for the purpose of this argument it matters not—  
“ certainly more than four to one. Next, this great  
“ majority principally contribute to the support of  
“ the establishment to which they do not belong.

“ Besides this, they exclusively support their own  
“ clergy.—By the principles of their religion they  
“ are in direct communication with a foreign poten-  
“ tate, through the medium of their clergy.

“ This communication is uninterrupted and uncon-  
“ trolled by the state.



“ Though this body of clergy possesses a most  
“ extensive influence over the passions, opinions,  
“ private and political principles and actions of the  
“ laity, yet the state neither exercises or possesses  
“ any control over their appointment.—This great  
“ majority is in the unprecedented situation of being  
“ excluded from a great proportion of the franchises,  
“ offices and honours of the state, not on account of  
“ any moral, or political delinquency, but merely on  
“ account of their religion.

“ They are at the same time admitted to the full  
“ enjoyment of substantial power,—(*now*, including  
“ the command of our fleets and armies).

“ This established religion is not merely that of  
“ the small minority, but one which has dispossessed  
“ the great majority.

“ This has been effected, not as in England, by a  
“ reformation of public opinion, but by an act of state,  
“ leaving the necessary consequences, irritation and  
“ hostility. This ejected majority, if they are ac-  
“ tuated by the motives by which man is actuated,  
“ and by the feelings which nature inspires, must  
“ have views hostile to the religious establishments  
“ of the state.

“ Though they disavow such principles on their  
“ oaths, still they must entertain them, and therefore  
“ they have been admitted to their present privileges  
“ on the faith of oaths which, if they are sincere in  
“ their religious opinions, cannot bind them.

“ They are, therefore, required by the legislature,  
“ and have accordingly stooped, to stain themselves  
“ with the odious crimes of hypocrisy and perjury ;  
“ the liberal feelings of the right honourable gentle-

“ man will, no doubt, induce him to say that he does  
“ not impute to them the wilfulness of perjury, but  
“ that they deceive themselves ; be it so ; as to the  
“ extent of the danger it matters not ; they are swear-  
“ ing against nature, and their oath affords no secu-  
“ rity ; our danger is as great as if they were admitted  
“ without the oath, with this difference, that it is ad-  
“ mitted that the oath which they are ready to take,  
“ cannot on such a subject bind them.

“ Being thus incapable of being bound by oaths,  
“ they are, at this moment, shut out from what is  
“ sought by oaths only.

“ The country in which all these dangers and  
“ anomalies exist is separated by nature from that  
“ to which it is united by law. It once had an inde-  
“ pendent existence ; within twenty years had an in-  
“ dependent legislature, and still has its separate  
“ courts of justice and distinct departments of exe-  
“ cutive government.

“ Now, sir, mark, if these are at all to be consi-  
“ dered as causes of danger ; such is our existing  
“ state—an ejected majority of four to one, irritated  
“ and hostile, subject to the unbounded influence of  
“ a clergy appointed by a foreign potentate, unre-  
“ gulated by the state, placed in a portion of the  
“ empire separated by nature, recently and imper-  
“ fectly united, and observe, this hostile majority,  
“ not an uneducated rabble, but the leaders now,  
“ and all of them, in the natural course of things,  
“ growing to be a wealthy, powerful, thriving, pros-  
“ perous body, actually admitted to every thing which  
“ constitutes real power in the state, and this on the  
“ strength of oaths which cannot bind them, without

“ overturning the laws of nature, and at the same  
“ time the remaining barriers and bulwarks of the  
“ state, resting on oaths and on oaths alone.

“ Sir, I ask any man really anxious for the safety  
“ of the established church of Ireland, *is this the*  
“ *state in which it ought to be left?* Is this the bed  
“ of roses on which the right honourable gentleman  
“ is disposed to rest himself.

“ Sir, these, if he is right, are the existing dangers,  
“ which at this moment threaten the safety of the  
“ establishment; and amidst this rocking of the  
“ battlements we are told that the true and states-  
“ man-like conduct is to share in the repose of the  
“ right honourable gentleman.

“ Sir, no man sensible of the dangers which really  
“ exist, and duly impressed with the vitality of the  
“ connection between church and state, can suffer  
“ this momentous question to depart from his mind;  
“ it is a problem of difficulty the most extreme, but  
“ until it is solved, there is no safety for the country.

“ Sir, the way in which the right honourable gen-  
“ tleman has argued this question is, to my mind,  
“ most alarming; the roman-catholics, he says, if  
“ they have organs, senses, affections, passions, like  
“ ourselves, nay, if they are sincere and zealous pro-  
“ fessors of that faith to which they belong, will aspire  
“ to the re-establishment of their church, in all its  
“ ancient splendor; why sir, according to this view,  
“ they ought to aspire to it; they ought to be sincere  
“ and zealous in their faith, and if so they will aspire  
“ to it; why then, this subversion of the establish-  
“ ment, which we are bound to the last extremity to  
“ resist, they are bound by an equally imperious duty  
“ to aim at; and then the right honourable gentle-

“ man tells them they have before their eyes the  
“ example of Scotland, which, with her presbyterian  
“ church, has been united to England with her epis-  
“ copal church, all jealousies buried in oblivion and  
“ the political union completed.

“ Why then, having left the country committed  
“ in this manner ; the establishment of the protestant  
“ minority in Ireland opposed, not only to the schemes,  
“ but to what he considers as the rightful, natural  
“ and necessary views of the roman-catholic majority,  
“ who, if they are sincere in their religion, must de-  
“ sire to restore the ancient splendor of their church,  
“ and this backed by a sound constitutional prece-  
“ dent in the establishment of presbytery in Scot-  
“ land ; that is, we being determined, as I trust we  
“ all are, to hold our establishment ; bound to do so  
“ as we value our laws, our liberties, and the con-  
“ nexion between the two countries, and they being  
“ equally bound to subvert it,—urged by the irresisti-  
“ ble impulses of nature, by their organs, senses,  
“ affections and passions, and sanctioned by the  
“ awful calls of religion in doing so ; that is, leaving  
“ the protestant establishments, and the roman-ca-  
“ tholic people of Ireland, committed in necessary  
“ and interminable hostility, the one side insisting on  
“ subversion, and the other struggling for existence,  
“ he says, it is a shame to come forward with indi-  
“ gested schemes, and to disturb this happy and  
“ halcyon state of security and comfort.

“ Sir, if I could view the question in the same  
“ light with the right honourable gentleman, I should  
“ indeed not propose to legislate, I should, like him  
“ abandon it, but not like him with satisfaction ;  
“ not under the impression that, in doing so, we

“ were to continue in possession of the freedom and  
“ the glory derived from the constitution of our an-  
“ cestors ; but under the deep and afflicting convic-  
“ tion that our glories and our freedom were doomed  
“ to perish ; I should, like him, remain inactive, but  
“ not at rest ; I should turn from the question, not  
“ to a state of tranquillity, but of torpor, the prelude,  
“ not to repose, but to dissolution.

“ Sir, I am sure the right honourable gentleman  
“ is not aware of the consequences to which his  
“ position would lead ; it goes to establish this mon-  
“ strous doctrine, that the roman-catholic who is  
“ sincere in his belief is bound to aim at the subver-  
“ sion of the establishment, and so divides society  
“ into two classes, those whose duty it is to sup-  
“ port the establishment, and those who are bound  
“ to overthrow it ; it leaves no alternative ; every  
“ honest man in the country must be ranked on the  
“ one side or on the other ; the bigotry which he  
“ imputes to them imposes the duty of intolerance  
“ on ourselves ; if it is of necessity a principle of  
“ their religion to overturn our establishment, it be-  
“ comes our duty to put down their religion ; if this  
“ serpent is fostered under their altars, we must put  
“ down their altars. This alarming doctrine makes  
“ the distinction between tolerating their religion  
“ and giving power to those who profess it, mere  
“ rant and folly : if that religion contains the spark  
“ which is to consume our establishments, we must  
“ extinguish that religion ; toleration would be  
“ a crime ; this imputed duty frightfully recoils  
“ upon ourselves and the doctrine resolves itself  
“ into the most sublimated spirit of bigotry.

“ It is, therefore, most consolatory to me, that, in

“ resisting the argument of the right honourable  
“ gentleman, I at the same time vindicate the roman-  
“ catholics from the unmerited charge of hostility  
“ which is imputed, and relieve the protestant from  
“ the hateful duty of intolerance which results from  
“ the imputation.

“ Sir, on behalf of the roman-catholics, I am bold  
“ to say that, though they prefer their own religion  
“ to ours, yet that they find the protestant religion  
“ established by law, by the same law by which their  
“ own lives, liberties and properties, along with those  
“ of all the other subjects of this realm, are secured ;  
“ that, if the right honourable gentleman were to  
“ state, to any well-informed roman-catholic, the  
“ precedent of Scotland, he would laugh at his pre-  
“ cedent ; because he knows that the presbyterian  
“ religion was the reformed religion of Scotland,  
“ that it was so established at the Reformation, that  
“ it was so confirmed at the Revolution, and so or-  
“ dered and perpetuated by solemn compact, between  
“ the two countries at the Union ; that, on the con-  
“ trary, the protestant established religion of Eng-  
“ land was, in Ireland, established at the Reformation,  
“ confirmed at the Revolution and perpetually incor-  
“ porated at the Union ; that it forms a part of the  
“ fundamental unalterable law of the empire ; that  
“ he therefore prefers a protestant establishment and  
“ an unimpaired state to a roman-catholic establish-  
“ ment and a subverted one ; that he considers the  
“ possessions of the protestant clergy as their abso-  
“ lute property, secured to them as sacredly as the  
“ private possessions of any individual are secured  
“ to him ; that he abides by the oath which he has  
“ taken, to maintain that establishment, and that,

“ so far from considering himself under any obligation to subvert it, he holds himself obliged, by the most solemn ties which can bind him to society, as a man, a citizen and a christian, to resist all attempts at its overthrow, from whatever quarter they may proceed. Most iniquitous and absurd would it have been in the legislature to require that such an oath should be taken by the roman-catholics, if, as such, they were under a religious and moral obligation to violate it; the supposition would be equally degrading to the legislature which imposed, and to the roman-catholic who submitted to it.

“ On what authority does the right honourable gentleman, in opposition to their oaths, burn and brand on the roman-catholics this odious stigma? what have they done? what have they said? what have they sworn? He will not try them by their declarations, their oaths, or their actions; but, on views of what he calls human nature, he not only proscribes the great mass of the Irish people from the honours of the state, but on principles which, if justly imputed, ought to shut them out from the pale of human society.

“ Sir, the sources from which the right honourable gentleman derives his view of human nature are not those to which I have had access. I cannot find in them that a roman-catholic gentleman, enjoying every privilege of the British constitution, and with every avenue to wealth, and power, and place, and honour opened to him, should wish for the subversion of the state, in order that his priest may have a mitre. The alliance between church and state is not founded on any such supposed pro-

“ pensity in the nature of man, but on a principle  
“ of policy, for the security of the state, and of all  
“ religion within it, and by which all sects are bene-  
“ fited by having the principles of religion incorpo-  
“ rated with the state ; and therefore to suppose that  
“ a man, sincere in his religion, must wish it to be the  
“ established one, argues an equal want of acquaint-  
“ ance with the nature of man and the institutions  
“ of society. There is a profound political wisdom  
“ in this alliance, and every man who regards the  
“ welfare of the state, be his religion what it may,  
“ is bound to uphold it ; and he would be an absurd  
“ sectarian, as well as a wild politician, who, on such  
“ motives as are imputed, would engage in the ex-  
“ periment of heaving the establishment from its  
“ centre, and overturning, along with it, the consti-  
“ tution of Great Britain.

“ But, sir, this I *can* read in the book of human  
“ nature, that if men are harshly excluded from the  
“ privileges of citizens ; if the door of the state is  
“ closed against them ; if they are stopped short in  
“ the career of honourable ambition ; if they are made  
“ an invidious exception to the principle which al-  
“ lows the talents and virtues of every man to rise  
“ to the level, that it may flow in the bed of the con-  
“ stitution ; if they are told that they and their chil-  
“ dren, to the end of time, *nati natorum, et qui nas-*  
“ *centur ab illis*, are to be stigmatized as a cast, and  
“ to be for ever excluded from honour and station,  
“ and confidence ; I *do* read in the book of human  
“ nature, that such persons have ground for discon-  
“ tent. And I cannot but admire the persever-  
“ ing cordiality with which men so circumstanced  
“ have fought the battles, and shared the dangers,



“ and borne the burthens of their country ; but I  
“ would disdain to make their patience an argument  
“ for their exclusion, nor can I shut my eyes to the  
“ danger which may result from its continuance.

“ What then is my remedy for the dangers which  
“ really exist? and what is the difference in this re-  
“ spect between the views of the right honourable  
“ gentleman and mine? First, I propose to regulate  
“ and legalize, within its proper limits, the inter-  
“ course with the see of Rome, so as to satisfy the  
“ state that the communication for spiritual purposes  
“ shall not be perverted to become an instrument  
“ of political intrigue :—What is the remedy of the  
“ right honourable gentleman? To leave the inter-  
“ course as it is, secret and uncontrolled. Next, I  
“ propose to regulate the appointment of the roman-  
“ catholic bishops, so as to assure the government  
“ of the country, that they, and through them all the  
“ roman-catholic clergy, shall be well affected to  
“ the state :—What is the remedy of the right honour-  
“ able gentleman? To leave the appointment as it is,  
“ unregulated and subject to the unmixed influence  
“ of a foreign power, which may be friendly, which  
“ may be neutral, or which may be hostile. The right  
“ honourable gentleman really seems so much in love  
“ with the perfection of his danger, that he is afraid  
“ of having it spoiled by any alteration.

“ But, sir, my third proposition, and that to  
“ which all others must be secondary and subordi-  
“ nate, is to incorporate the roman-catholics with  
“ the state ; so to bind them to the present order of  
“ things, that their interest shall be our security ; to  
“ give to the well-affected the reward of his loyalty,  
“ to take away from the revolutionist the pretext and

“ the instrument of his treason, to rivet the honest  
“ roman-catholic to the state by every good affec-  
“ tion of his nature, by every motive that can affect  
“ his heart, by every argument that can convince  
“ his reason, by every obligation that can bind his  
“ conscience ; not by adding the weight of a feather  
“ to his power, but by relieving his feelings from every  
“ thing that is contumelious, insolent and personal, by  
“ abolishing every odious distinction, every affront-  
“ ful suspicion, every degrading exclusion :— What is  
“ the remedy of the right honourable gentleman?  
“ To leave them as they are. Gracious heaven ! to  
“ leave the great body of the Irish people bound by  
“ the law of their nature to plot the subversion of the  
“ state ! I say of the state, because I trust that every  
“ man who hears me will say, that to subvert the  
“ protestant establishment is to subvert the state.

“ I propose, not to take the shackles from his  
“ limbs ; he is unshackled, free, and strong as we  
“ are ; but to take the brand from his forehead, and  
“ the bitterness from his heart, and the sense of de-  
“ basement from his mind.

“ The plan of the right honourable gentleman is  
“ to leave him, for ever, a marked man and a plot-  
“ ting sectary ; mine is to raise him from exclusion  
“ and disability to the consciousness of having the full  
“ possession of the highest situation that can be oc-  
“ cupied in civilized society ; I mean the full partici-  
“ pation of the rights, the privileges, and the honours  
“ of a free-born British subject.—Do not, I conjure  
“ you, turn your backs on this proposal of grace, of  
“ justice, and of security ; do not drive your roman-  
“ catholic brother from your bar, as a sulky and  
“ discontented outcast. You have admitted him into

“ the bosom of the state, civil and military ; do not  
“ in the same breath insult him by saying that he is,  
“ and that he ought to be its enemy.

“ Sir, in considering the argument of the right  
“ honourable gentleman, I have not stopped to meet  
“ the supposition that the power of the roman-catho-  
“ lic body, to effect any hostile purposes, can be  
“ augmented by, or grow out of this measure ; he  
“ has, I think, truly said, that ‘ in the natural, and  
“ therefore certain order of things, the roman-ca-  
“ tholic must constitute by far the most powerful  
“ body in Ireland.’ The right honourable gentleman  
“ has notions far too just and statesman-like to sup-  
“ pose that their power can, in any material degree,  
“ be effected by their obtaining seats in parliament,  
“ or admission to the excepted offices. No ; their  
“ number, their wealth, their exercise of all profes-  
“ sions, their possession of land, of commerce and  
“ manufactures, their constituting and commanding  
“ our fleets and our armies ; these the right honourable  
“ gentleman well knows are the imperishable mate-  
“ rials of political power, and that wherever the  
“ wealth, and knowledge, and arms of a state reside,  
“ there is its real power. Since the first foundations  
“ of the civilized world, steel and gold have been  
“ the hinges on which its gates have hung, and  
“ knowledge has been the guardian of their keys ;  
“ any attempt on the part of man to overturn this  
“ eternal scheme of nature, this fixed law of Provi-  
“ dence, is shallow and presumptuous. The power  
“ therefore to subvert cannot be created by this act  
“ of justice ; will the desire be kindled by it ? will  
“ the roman-catholic feel a respect for the establish-  
“ ment, only on the condition of its being the cause

“ of his exclusion from the state ? gratified by this  
“ injury, indignant at the redress ? These are  
“ puerilities to which the right honourable gen-  
“ tleman will not condescend. I agree with him in  
“ his manly view of the subject ; if this measure is  
“ carried, we are to expect and wish that in progress  
“ of time, (probably a very gradual one), the admis-  
“ sion of the roman-catholics may have a fair pro-  
“ portion to their qualifications ; but I trust he will  
“ agree with me, that the power of making an im-  
“ pression on the government, or on the people of  
“ this country, will depend, not on the circumstance  
“ of their claims being personally asserted within  
“ these walls, but on the justice and exigency of the  
“ claims themselves ; the voice of the humblest sub-  
“ ject of the realm, claiming the privileges of a citi-  
“ zen, will find its way to the honest members of  
“ this house, and to the honest people of this country,  
“ from the remotest corner of the empire ; it will find  
“ an echo in every independent mind and in every  
“ generous breast.

“ In all continued struggles between a lawful  
“ government and a free people, there can be but one  
“ issue ; that party must prevail which has truth and  
“ justice on its side, otherwise there is an end of  
“ freedom or of government, it must end in despotism  
“ or anarchy ; while you resist the claim of civil  
“ right, the roman-catholic is armed with truth and  
“ justice ; grant him what he ought to have, and if  
“ he refuses the reasonable conditions or aspires to  
“ more, you transfer to yourselves these invincible  
“ standards, and you may look with confidence to the  
“ result.

“ If it is said, that the objection is not so much to

“ any particular measure as to the principle of con-  
“ cession, and to the difficulty of ascertaining its  
“ limit; I do not find it easy to ascertain the exact  
“ meaning of the argument: is it meant that no con-  
“ cession should ever have been made? that Ireland  
“ should have been left in the situation to which the  
“ penal laws had reduced her; a jungle fit for the  
“ habitation of wild beasts, a moral waste in which  
“ every principle of social order, and of political re-  
“ gulation, and of honourable feeling was defied?  
“ No; the right honourable gentleman says, he  
“ rejoices that the system was departed from; he  
“ says so consistently; he must say so; he justly ad-  
“ mits that restriction is in itself an evil, and if so,  
“ the removal of it must in itself be good.

“ It must mean then that there is a point at which  
“ concession ought to stop. I admit it. Have we  
“ passed that point? where ought it to have stopped?  
“ and are we to retrace our steps? No; the right  
“ honourable gentleman says, we have not gone be-  
“ yond it, but we arrived at it precisely in the year  
“ 1793, and by the arrangement then made he abides.

“ He will not, I know, condescend to the disinge-  
“ nuity of saying that our measure is bad because it  
“ involves a principle of concession, and that the  
“ principle of concession is dangerous because our  
“ measure is a bad one.

“ Well then, the concessions of 1793 were wise  
“ and salutary, but any thing more would be dan-  
“ gerous and unconstitutional.

“ The Irish parliament, it seems, was so fortunate  
“ as to hit the exact point to which concession ought  
“ to go, and beyond which it ought not to be car-  
“ ried; why then, may I ask, is it not to be carried

“ to the same extent in Great Britain? Why should  
“ not this just and critical measure,—which has ad-  
“ mitted the Irish roman-catholic to the grand inquest;  
“ to the magistracy, to the constituency, and to va-  
“ rious high offices in the state,—be extended to the  
“ English roman-catholic, who is shut out from all  
“ of them, though with every claim, from rank and  
“ dignity, from patience and long-suffering, and  
“ unaffected, besides, by those circumstances of dan-  
“ ger which have excited so much alarm as to Ire-  
“ land? Surely, were it for this purpose alone, the  
“ house ought to go into a committee. But, sir, I  
“ think there would be some difficulty, if we exa-  
“ mine the details of the Irish act of 1793, in de-  
“ monstrating their perfect wisdom and consistency;  
“ the roman-catholic there may be chief commis-  
“ sioner of the revenue, and yet may not hold the  
“ lowest office in the most petty corporation; he  
“ may be owner in fee of the estate to which the  
“ whole corporation right is annexed, he may trans-  
“ fer it, he may entail it, he may name every cor-  
“ porator and every officer, and yet he has not ‘ civil  
“ worth’ to entitle him to the meanest of these  
“ offices. He may be proprietor of a borough, so as  
“ substantially to nominate the member to serve in  
“ parliament, and yet the state would be shaken if  
“ he were himself that member.

“ Sir, to enumerate all the inconsistencies of this  
“ supposed measure of final adjustment would be  
“ endless; but there is one so glaring that I must  
“ beg leave particularly to allude to it.—You admit  
“ the roman-catholic, both here and in Ireland, to  
“ the bar; you invite him to study the laws of his  
“ country; to display his knowledge on a public

“ theatre, where his talents and his acquirements are  
“ tried and known ; you engage him in a career of  
“ honourable competition ; you see him distinguished  
“ by the approbation of his countrymen ; you see  
“ every relative connected with him gladdened and  
“ gratified by his successful progress ; and when his  
“ heart is beating high with the consciousness of  
“ desert, and the hope of fame and honour, you stop  
“ him in his course, you dash his hopes, you extin-  
“ guish his ambition, you leave him disgraced and  
“ mortified, sitting on the outer benches of your  
“ courts of justice, and imparting the gloom of his  
“ own hopeless exclusion to every one connected  
“ with him by consanguinity, friendship, or religion.  
“ Sir, in the name of the protestant bar of both coun-  
“ tries, I call on parliament to rescue *us* from this dis-  
“ grace, to relieve us from the odium and shame of this  
“ degrading monopoly, and to restore us to the privi-  
“ lege of equal and generous and honorable emulation.

“ Sir, one word more and I have done. It has  
“ been asked, where is concession to stop ? I say,  
“ precisely where necessity, arising from public  
“ good, requires the continuance of the restriction.  
“ Exclusion is like war, *justum quibus* “ *necessa-*  
“ *rium* ; beyond this it would be folly to proceed :  
“ short of this it is folly and injustice to stop.  
“ By this test let the claim be tried ; if there is any  
“ office the possession of which by a roman-catholic  
“ would be dangerous or injurious to our establish-  
“ ments, let him be excluded from it ; if there is any  
“ franchise, whose exercise can be attended with  
“ real danger, let it be withheld ; such exclusion, or  
“ withholding, is not an anomaly, or inconsistency,  
“ in our system of conciliation ; because, when the  
“ exclusion is not arbitrary and gratuitous, there is no

“ insult.—It forms no link of the chain ; and the  
“ roman-catholic will submit to it cheerfully ; just as  
“ would be the duty of the protestant if, for similar  
“ reasons, a similar sacrifice were required from him ;  
“ let him know, in intelligible terms, the reason and  
“ the necessity, and he is satisfied ; but do not, in so  
“ momentous a concern, give him words, and think to  
“ reconcile him ; talk to him of the protestant estab-  
“ lishment, and he understands you ; he bows to it ;  
“ he sees it engraved in capitals on the front of the  
“ political fabric ; but if you tell him of protestant  
“ ascendancy, or protestant exclusion, he asks in vain  
“ where its title is to be found ; he looks in vain for  
“ it in the elements of our law or its traditions, in  
“ the commentaries of its sage expositors, in the Re-  
“ formation, the Revolution, or the Union,—he sees in  
“ it nothing but insult and contumacy ; and he de-  
“ mands, in the name of the laws, and in the spirit  
“ of the constitution, that he may be no longer its  
“ victim.

“ Sir, I move, ‘ That this house do resolve itself  
“ into a committee of the whole house, to consider  
“ the state of the laws by which oaths or declarations  
“ are required to be taken or made, as qualifications  
“ for the enjoyment of offices, or for the exercise of  
“ civil functions, so far as the same affect his ma-  
“ jesty’s roman-catholic subjects ; and whether it  
“ would be expedient, in any and what manner, to  
“ alter or modify the same, and subject to what  
“ provisions or regulations.’ ”

The right honourable and learned member was heard throughout with the most profound attention, interrupted only by the loudest expressions of admiration and respect.



Mr. Denis Browne seconded the motion.

Mr. Peel replied at length to Mr. Plunkett; the brother-in-law of Mr. Peel, Mr. George Dawson, expressed himself in a bolder tone : he declared that the catholics of Ireland enjoyed as much liberty as it was necessary for any set of men to enjoy ; and recommended a total disregard of their petitions.

To this gentleman sir James Mackintosh made an eloquent reply.

Mr. Charles Grant supported the motion in a speech replete with wisdom. At the close of it he implored the house to consider that the fate of Ireland was at stake—to look at the state of the population of that country—to reflect on its present misery—and on what the parliament of Great Britain had already done for that country, under the auspices of our late sovereign. Let it no longer be said of Ireland, that having performed the duties which the constitution exacted, she was still excluded from the privileges to which she had a constitutional right.

Mr. Grant called on the house to ratify that night, the solemn contract of the Union, and to make that great measure an union in reality what it was as yet only in name. What did Mr. Pitt, who had projected that measure, conceive to be its nature? He asked the house what meaning that great statesman attached to the following lines, which he had applied to the union of the two countries ;—

*“ Non ego, nec Teucris Italos parere jubebo,*

*“ Nec mihi regna peto : paribus se legibus ambo*

*“ Invictæ gentes æterna in fœdera mittant.”—VIRGIL.*

“ What,” he asked, “ did Mr. Pitt understand by the  
“ eternal laws of confederacy, which were in future  
“ to bind the two nations? Not in the relations of

“conqueror and conquered? but in equality of laws?  
“We profess,” continued the right honourable gentleman, “to follow the policy of that enlightened  
“statesman in our intercourse and relations with  
“foreign countries; but on his system of domestic  
“policy, we have not yet acted; nor will the maxims,  
“on which that system was founded, be reduced to  
“practice, till the inscription on his tomb records  
“the liberation of Ireland. Look at the state of  
“education in that country, and view its natives pursuing every means of acquiring knowledge. *These*  
“*are securities springing up, where they were least*  
“*expected, as if sent by Providence to remove a base*  
“*and illiberal pretext. Let us not take advantage of*  
“*them to continue* THE PRESENT SYSTEM OF IN-  
“JUSTICE! *but let us rather avail ourselves of them,*  
“*as raised up by that Providence, which I believe to*  
“*be the peculiar protection of national faith and na-*  
“*tional justice\*.*”

The debate was concluded by lord Castlereagh.—He observed, that “the only one question, upon  
“which the congress of Vienna were unanimous,  
“was that of doing away with distinctions and preferences on account of religion. We ought therefore not to be the power, which alone should continue such distinctions; particularly as, thank God, our religion was not one, which in any degree sanctioned intolerance to those who differed from it.—When I apply,” continued his lordship, “this principle to Ireland, I see the strongest reasons for supporting it. I would not have it understood that the question of catholic emancipation was ever

\* A noble, and a just sentiment, bearing the stamp both of genius and wisdom.

“ held out to Ireland as a pledge for the union of  
“ that country with England. It was distinctly un-  
“ derstood, that that question was to be left entirely to  
“ the discretion of the legislature. Looking, however,  
“ to the situation of Ireland, I maintain that the only  
“ practical mode of effectually putting an end to the  
“ embarrassments, which are met in the government  
“ of Ireland, would be, by removing the discontents  
“ arising from the present situation of the roman-  
“ catholics. I do declare, that we never can expect  
“ to settle the differences which exist in Ireland, and  
“ to apply to it the remedies which its internal con-  
“ dition requires, until this question is finally and  
“ amicably adjusted.”

The house then divided, ayes 227,—noes 221, so that the motion was carried by a majority of six votes.

*2d March.*

On the 2d of March, Mr. Plunkett attended at the bar of the house, with the bills, which he had obtained leave to introduce. They were ordered to be brought up, and read a first time; then ordered to be printed, and to be read a second time, on Friday the 16th of March.

Mr. Plunkett then moved for the order of the day for the house to resolve itself into a committee to consider the case of the catholics.

He said, that, with a view to afford still further means for such consideration, he wished to have the object of those, who were friendly to the catholic claims, distinctly understood; and therefore he should propose the following resolutions.

1. “ That it appears to this committee, that by  
“ certain acts passed in the parliaments of Great

“ Britain and Ireland respectively, certain declarations and affirmations are required to be made, as qualifications for the enjoyment of certain offices, franchises, and civil rights therein mentioned.

2. “ That such parts of the said oaths, as require a declaration to be made against the belief of transubstantiation, or that the invocation or adoration of the Virgin Mary, or any other saint, and the sacrifice of the mass, as used in the church of Rome, are superstitious and idolatrous, appear to this committee to relate to opinions merely speculative and dogmatical, not affecting the allegiance or civil duty of the subject, and that the same may therefore safely be repealed.

3. “ That it appears to this committee, that in several acts passed in the parliaments of Great Britain and Ireland respectively, a certain oath, commonly called the oath of supremacy, is required to be taken, as a qualification for the enjoyment of certain offices, franchises, and civil rights therein contained.

4. “ That, in the said oath, a declaration is contained, that no foreign prince, person, prelate, state, or potentate, ought to have any jurisdiction, power, superiority, pre-eminence, or authority, ecclesiastical or spiritual, within these realms.

5. “ That it appears to this committee, that scruples are entertained by his majesty’s roman-catholic subjects, with respect to taking the said oath, merely on account of the word ‘ spiritual ’ being inserted therein ; and that, for the purpose of removing such scruples, it would be expedient to declare the sense, in which the said word is used, according to the injunction issued by queen Elizabeth, in the first

“ year of her reign, and recognized in the act of the  
 “ fifth of her reign ; and which, as explained by the  
 “ thirty-seventh of the articles of the church of Eng-  
 “ land, imports merely, that the kings of this realm  
 “ should govern all their states and degrees committed  
 “ their charge by God, whether they be ecclesias-  
 “ tical or temporal, and restrain with the civil sword  
 “ the stubborn and evil doer.

6. “ That it is the opinion of this committee, that  
 “ such act of repeal and explanation should be ac-  
 “ companied with such exceptions and regulations,  
 “ as may be found necessary for preserving unalter-  
 “ ably the protestant succession to the crown, ac-  
 “ cording to the act for the further limitation of the  
 “ crown, and better securing the rights and liberties  
 “ of the subject, and for maintaining inviolate the  
 “ protestant episcopal church of England and Ireland,  
 “ and the doctrine, government and discipline thereof,  
 “ and the church of Scotland, and the doctrine, wor-  
 “ ship, government and discipline thereof, as the  
 “ same are by law respectively established.”

The house then went into a committee, and the resolutions were agreed to and reported :—leave was given to bring in a bill, and the following members were appointed to prepare and bring it in ; Mr. Plunkett, lord Castlereagh, Mr. Charles Grant, Mr. Tierney, lord Milton, Mr. Charles William Wynn, sir John Newport, sir Henry Parnell, Dr. Phillimore, and sir James Mackintosh.

*7th March.*

Mr. Plunkett attended at the bar, with the bill which he had obtained leave to bring in “for pro-  
 “ viding for the removal of certain disqualifications

“and disabilities under which his majesty’s roman-  
“ catholic subjects laboured. The bill was brought  
“ up, and read a first time. It was then ordered to  
“ be printed, and read a second time on Friday the  
“ 16th March.

Mr. Plunkett then brought in another bill, for regulating the intercourse between persons in holy orders, professing the roman-catholic religion, and the see of Rome. This was also read a first time, ordered to be printed, and to be read a second time on Friday 16th of March.

It would fill too many pages of this History to transcribe in it the two bills and the subsequent variations of them; the writer will therefore do no more than mention succinctly the contents of each, and state at length the oath asserting the supremacy of the crown, both in the civil and the ecclesiastical establishments, which was prescribed to be taken by the first bill.

That bill was intituled, “ A bill for the removal of  
“ the disqualifications under which his majesty’s  
“ roman-catholic subjects now labour.”

The second was intituled, “ A bill to regulate the  
“ intercourse between persons in holy orders, pro-  
“ fessing the roman-catholic religion, with the see of  
“ Rome.

It has been observed, that Mr. Plunkett’s original design was to effect his intention in respect to the oath of supremacy, by inserting a legislative interpretation of it in the act. Such a clause was inserted in the first bill: it enacted, “ That nothing contained in the  
“ said oath of supremacy should be understood to  
“ express or imply further or otherwise, than that the  
“ persons taking the same, do thereby unreservedly

“ and unequivocally profess and declare, in the pre-  
 “ sence of Almighty God, that no foreign prince,  
 “ person, prelate, state or potentate, hath or ought to  
 “ have any jurisdiction, power, supremacy, pre-  
 “ eminence, or authority, temporal, ecclesiastical or  
 “ spiritual, within this realm, that in any manner or  
 “ for any purpose conflicts or interferes with the duty  
 “ of full and undivided allegiance, which by the laws  
 “ of this realm is due to his majesty, his heirs and  
 “ successors, from all his subjects, or with the legal  
 “ rights of his majesty’s subjects, or any of them.”

*16th March.*

On the 16th March, the bill for catholic relief was read for the second time. But previously to its being read, some petitions against it were presented :—The most remarkable of them, was a petition against the bill from the roman-catholic clergy and inhabitants of Staffordshire and Warwickshire. It is expressed in the following terms :

1st, “ That the petitioners are, and have proved  
 “ themselves, in times of public disturbance, to be  
 “ loyal and peaceable subjects of his majesty; that  
 “ they are steadfastly attached to the free and happy  
 “ constitution of their country; and that they hold  
 “ themselves bound ‘to disclose and make known to  
 “ his majesty, his heirs and successors, all treasons  
 “ and traitorous conspiracies which may be formed  
 “ against him or them,<sup>2</sup> or against the establishment  
 “ in church or state, of the united kingdom:

2dly, “ That they reject and abjure every doctrine  
 “ proscribed by the legislature in the act above quoted  
 “ for their relief, as inconsistent with the duty of good  
 “ citizens and subjects, and the following doctrine in

“ particular ; that ’ any foreign prince, prelate, state  
“ or potentate, hath or ought to have any temporal  
“ or civil jurisdiction, power, superiority, or pre-  
“ eminence, directly or indirectly, within this realm,  
“ and that they never have been so much as accused  
“ of abetting by word or act any of those proscribed  
“ doctrines :

3dly, “ That nevertheless, certain bills, as the peti-  
“ tioners learn with grief and dismay, have been pre-  
“ pared and brought into parliament, which, con-  
“ taining different articles contrary to their religious  
“ belief and obligations, if sanctioned by the legisla-  
“ ture, will place them, and the great majority of their  
“ fellow roman-catholics, in the condition of crimi-  
“ nals, and subject them to a religious persecution :

4thly, “ That the petitioners cannot conscientiously  
“ take or subscribe the oath of supremacy, even under  
“ the injunction or explanation of queen Elizabeth,  
“ A. D. 1559, inasmuch as in this very injunction she  
“ claims all ‘ the power and authority challenged and  
“ used by her father Henry the eighth, and her bro-  
“ ther Edward the sixth ;’ and, as in disclaiming  
“ the actual ministry of God’s word and the sacra-  
“ ments, she ever claimed to be the only source of  
“ that ecclesiastical and spiritual jurisdiction by which  
“ bishops and priests exercise it ; hence the bishops  
“ of that period lost their sees, and many other ca-  
“ tholics their lives, for refusing the oath, notwith-  
“ standing that explanation :

5thly, “ That it is not lawful for them to swear or  
“ engage themselves, not to correspond with the chief  
“ pastor of their church, or with any persons holding  
“ spiritual authority from him, except by permission  
“ of the civil power, on subjects of their common



“ religion (to say nothing of literature, civility, and  
“ charity), as may be gathered from the printed re-  
“ ports of the honourable house of commons, June  
“ 25th, 1816; but that, if any detriment or danger to  
“ the state should exist from such correspondence,  
“ there are the same remedies already provided against  
“ it as against all other illegal or dangerous corres-  
“ pondence whatever:

6thly, “ That however important it is that their  
“ pastors, in common with those of other religions,  
“ should be good and loyal subjects, they are per-  
“ suaded that this object can and will be more effec-  
“ tually secured by the free choice of their present  
“ loyal and well-informed prelates, than through the  
“ influence of any other persons whomsoever, subject,  
“ as the latter must be, to be misled by malicious and  
“ interested reports respecting the candidates; the  
“ petitioners, therefore, most humbly beg that what-  
“ ever changes may take place in their civil capacities,  
“ their religion, on which their present comfort and  
“ their future hopes are grounded, may not be in-  
“ jured; nor their clergy disgraced, and least of all,  
“ in a bill or bills professing to afford them relief.”

This petition gave rise to an animated conversation; the adversaries of catholic emancipation seizing it with avidity as a document ruinous to the measure; the advocates of the bill declaring it to be entitled to no attention, as it had not, to use the language of sir James Mackintosh, “ received the signature of a  
“ single leading catholic gentleman in the counties  
“ from which it came, except indeed it were that of  
“ Dr. Milner, the apostolic vicar.”

Mr. Plunkett then arose and stated the substance of the bills.

The first bill was for removing the disqualifications, under which the catholics laboured, from their refusing to take the oath of supremacy, and to make the declaration against transubstantiation. He observed, that the catholics had always been ready and desirous to take the oath of allegiance in common with his majesty's other subjects, but entertained scruples with respect to taking the oath of supremacy, as it might be construed to import a disclaimer of the spiritual authority of the pope. He contended from the admonition of queen Elizabeth, sanctioned by the act of the fifth of her reign, and explained in the thirty-seventh article of the church, that the object of the oath was not to meddle with any power, merely spiritual, of the pope, but simply to deny to him all authority or power incompatible with the civil duty and allegiance which was due to his majesty as sovereign of the realm, from all his subjects. Others, he observed, had thought differently, and the catholics in general had put a different interpretation upon the oath; and their objections to it were founded on this interpretation. To remove such scruples, he intended that the act should contain a legislative interpretation of the oath, which would reconcile the catholics to it. He intended also that the declaration against transubstantiation should be abrogated entirely, as a qualification for offices.—It was his further intention that taking the oath of supremacy, under the proposed legislative interpretation, should entitle the catholics to all the benefits, to which the taking of the oaths contained in the acts of 1791 and 1793, would confer on them. Still, he wished the catholics to retain the benefit of those acts: and he had therefore inserted a clause, which left it optional in them, so far as

regarded their entitling themselves to the beneficial provisions of those acts, to take either the oaths prescribed by them, or the new oath.

He then noticed the exception contained in this bill: it provided, that nothing contained in it should enable a roman-catholic to hold and enjoy the office of lord high chancellor, lord keeper, lord commissioner of the great seal of Great Britain, or the office of lord lieutenant or lord deputy, or other chief governor of Ireland.

The object of the second bill was, as its title imported, “to regulate the intercourse between persons in holy orders, professing the roman-catholic religion, with the see of Rome.”—As this bill was formed on the plan adopted in that of 1813, though considerably modified and softened, we shall not now particularize its provisions.

After this, Mr. Plunkett stated his reasons for effecting the object by separate bills. At the same time, however, he distinctly stated, that both he and the gentlemen, who acted with him, were perfectly ready to admit that, if the first bill were passed, the second must go on;—and he declared himself also ready to say, that there was no material objection, on his part, to the consolidation of both the bills.—He then expatiated with equal eloquence and solidity of argument on the utility of the measure and the advantages likely to result from it. He concluded nearly in the following words:—

“England planted popery in Ireland;—she then, by a series of violent measures, attempted to eradicate the religion, which she herself had established. The new settlers, anxious for their own interests, did all in their power to prevent the Irish

“ from shaking off the faith impressed upon them by  
“ the English, because, by so deluding the people,  
“ they were the better able to confiscate the estates  
“ of those, whom they were interested in deceiving.  
“ It was not till the Revolution that the catholics of  
“ Ireland were in, what might be considered, a set-  
“ tled state in the country. In England there had  
“ been two rebellions and one insurrection since that  
“ period ; and yet the roman-catholics of Ireland  
“ had been uniformly tranquil within that time ; and  
“ upon that proof of their allegiance they grounded  
“ their claim for a removal of those privations, which  
“ were now unnecessarily prolonged against them.”  
The catholics of Ireland had, he remarked, been  
during the last century uniformly tranquil. He re-  
peated this expression, and asked, “ can the rebel-  
“ lion in 1798 justly be called a catholic one? Did  
“ it not originate among protestants? Were not  
“ the leaders in it protestants? Was it not com-  
“ menced amongst the protestant population of the  
“ north of Ireland, while, at the same time, the  
“ catholic population of the south of Ireland re-  
“ mained tranquil? Did it not appear, that when the  
“ French invasion took place in 1796, there was not  
“ a single rebellious organization of men in the whole  
“ southern population, from Dublin to Cork?—Not  
“ a single catholic in that extensive province? It  
“ was the uniform tenor of this conduct which jus-  
“ tified the recital in the bill which he had brought  
“ into the house,—‘ that after the due consideration  
“ of the situation, dispositions, and conduct of his  
“ majesty’s roman-catholic subjects, it appeared just  
“ and fitting to communicate to them the full enjoy-  
“ ment of the benefits and advantages of the consti-

“tution and government happily established in this  
“united kingdom ;’—thus putting an end to religious  
“jealousies, consolidating the union between Great  
“Britain and Ireland, and uniting and knitting to-  
“gether the hearts of all his majesty’s subjects in one  
“and the same interest, for the support of his ma-  
“jesty’s person, family, crown and government, and  
“for the defence of their common rights and liber-  
“ties.”

Mr. Plunkett concluded nearly in these terms :  
“I have now,” continued Mr. Plunkett, “trespassed  
“longer upon the time of the house than I had at  
“first intended, in submitting to them the details of  
“the two bills.—I implore the house to adopt them ;  
“to conciliate that kind-hearted, enthusiastic and  
“loyal people ; to enable the throne, at the moment  
“when happily it might do so with safety and ad-  
“vantage to the state, to confer the high and gene-  
“rous privileges, which belonged to the free sub-  
“jects of a free government, upon the roman-catho-  
“lics of this realm—to enable the monarch to enjoy  
“the highest gratification of which his enlightened  
“mind can be susceptible ;—namely,—the gratifica-  
“tion of seeing the hearts of his subjects throb with  
“gratitude for his gracious acts, and approach his  
“throne ready to shed the last drop of their blood,  
“and to spend the last shilling of their treasure, in  
“support of those laws and that constitution, in the  
“whole benefits of which they were now allowed to  
“participate.” He concluded by moving the order  
of the day “for the second reading of the roman-  
“catholic disabilities removal bill.”

The speaker then put the question that, “the bill  
“be now read a second time.”—After a short silence,

Mr. Bankes opposed the motion by a long, a temperate and an argumentative speech : his objections to it were, that it would not satisfy the catholics, and would endanger the protestant ascendancy.—Mr. Wilberforce replied to him.

Of those, who advocated the bill in this stage of it, the voice of none was more grateful to the catholics, or heard by the house with greater attention and respect, than that of Mr. Wilberforce. The high opinion entertained universally of his ability, integrity and beneficence, and the reputation which he has deservedly acquired by his successful exertions for the abolition of the slave trade—the greatest triumph obtained in our times in the cause of humanity,—have endeared him to the public, and rendered his patronage of any cause of incalculable value. His mild and persuasive eloquence was exerted in this, as it is on every other occasion in behalf of the aggrieved. “ When I see,” said this excellent person, “ roman-catholics possessed of intelligence, “ rank and property, how can I but wish to see them “ furnished with the means of using that intelligence, “ holding that rank, and enjoying that property, in a “ manner, which, while it best conduces to their own “ happiness, will most contribute to the welfare of “ their country. Their disabilities are the relics of “ a long course of oppression. They are not restrictions ; they are a degradation : to continue them, “ is making them wear a prison-suit, after they are “ left to go at large. Is it in the order of things, is “ it reasonably to be anticipated, that a great, a high-minded, a gallant people, when treated with kindness, should not feel, should not be sensible of that “ kindness ?—should not be grateful for it?—should

“ not serve with fidelity and zeal those from whom  
“ they had received it?” Mr. Wilberforce concluded  
by stating, that “ with whatever apprehension he  
“ approached the subject, a feeling with which, from  
“ his sense of its importance, he was deeply im-  
“ pressed, a feeling which, from his heart, he did  
“ certainly entertain ;—(for there were many, who  
“ knew, with what tenderness and caution he had  
“ at length come to a conclusion, which was some-  
“ what in contrariety to that which he had formerly  
“ entertained on the matter),—yet, after hearing much,  
“ and reflecting much, he then thought, that the ob-  
“ ject of the motion before the house, was calculated  
“ to ensure the ultimate security of the country.” This  
explicit declaration in favour of the bill, by a mem-  
ber so greatly loved and venerated, could not but  
recommend it to every part of the house.

Mr. Wilberforce was followed by Mr. Bragge  
Bathurst, who moved, as an amendment, that “ the  
“ bill should be read a second time that day six  
months.” This, sir James Mackintosh opposed in a  
speech, not of much length, but of great power. Mr.  
Peel followed him. He admitted that excluding ca-  
tholics from high office and power was both an evil  
to them and an evil to the state ; but contended that  
doing away the exclusion would be a greater evil than  
continuing it. Mr. Canning replied to Mr. Peel ; and  
the house finally divided,—for the original question,  
254 : against it, 243 : so that there was a majority  
of 11 for the second reading of the bill.

*19th March.*

On the 19th of March, Mr. Plunkett informed  
the house that some alterations having been made,

and new clauses introduced into the bill, he thought that the house should resolve itself into a committee, to adopt formally the new clauses, in order to their being printed; and that the debate on the clauses should be reserved for the re-committal. The house accordingly went into a committee; the clauses were brought up, the house resumed, and the bill brought in and ordered to be re-committed on Friday; and, in the mean time, to be printed. We shall transcribe the oath which it contained, and the recitals, which immediately preceded it,—then insert a short abstract of the clauses, by which it was immediately followed.

“ And whereas after due consideration of the situa-  
“ tion, dispositions, and conduct of his majesty’s ro-  
“ man-catholic subjects, it appears just and fitting  
“ to communicate to them, the enjoyment of the  
“ benefits and advantages of the constitution and  
“ government happily established in this united king-  
“ dom, thus putting an end to religious jealousies,  
“ consolidating the union between Great Britain and  
“ Ireland, and uniting and knitting together the  
“ hearts of all his majesty’s subjects in one and the  
“ same interest, for the support of his majesty’s per-  
“ son, family, crown and government, and for the  
“ defence of their common rights and liberties.

“ And whereas by divers acts passed in the par-  
“ liaments of Great Britain and Ireland, the oaths of  
“ allegiance, supremacy and abjuration, therein pro-  
“ vided, are required to be taken for certain purposes  
“ therein mentioned; and the said oath of supre-  
“ macy is expressed in the following terms :

“ I, *A. B.* do swear, that I do from my heart,  
“ abhor, detest and abjure, as impious and heretical,



“ that damnable doctrine and position, that princes  
 “ excommunicated or deprived by the pope, or any  
 “ authority of the see of Rome, may be deposed or  
 “ murdered by their subjects or any other whatsoever ;  
 “ and I do declare, that no foreign prince, person,  
 “ prelate, state or potentate, hath or ought to have  
 “ any jurisdiction, power, superiority, pre-eminence  
 “ or authority, ecclesiastical or spiritual, within this  
 “ realm. . . . . “ So help me God.”

“ And whereas his majesty’s roman-catholic sub-  
“ jects in Great Britain and Ireland are ready and  
“ desirous to take the said oaths of allegiance and  
“ abjuration in common with his majesty’s other  
“ subjects; but entertain scruples with respect to  
“ taking the oath of supremacy, inasmuch as they  
“ apprehend that the same might be construed to  
“ import a disclaimer of the spiritual authority which  
“ they ascribe to the pope or church of Rome, in  
“ matters of religious belief; be it therefore enacted  
“ by the king’s most excellent majesty, by and with  
“ the advice and consent of the lords spiritual and  
“ temporal, and commons, in this present parliament  
“ assembled, and by the authority of the same, that  
“ from and after the passing of this act, it shall and  
“ may be lawful for all or any of his majesty’s roman-  
“ catholic subjects, in all cases where the said oath  
“ of supremacy is now by law required to be taken,  
“ as a qualification for the taking, holding or enjoy-  
“ ing any civil right, office or franchise, in lieu and  
“ place thereof to take, make and subscribe the oath  
“ following :

“ I, A. B. do swear, that I do from my heart de-  
 “ test, abhor and abjure, as impious and unchristian,

“ the doctrine and position, that princes excommu-  
“ nicated or deprived by the pope, or any authority  
“ of the see of Rome, may be deposed or murdered  
“ by their subjects or any other whatsoever; and  
“ I do declare, that no foreign prince, person, prelate,  
“ state or potentate hath, or ought to have, any  
“ jurisdiction, power, superiority, pre-eminence or  
“ authority, ecclesiastical or spiritual, within this  
“ realm, that in any manner or for any purpose con-  
“ flicts or interferes with the duty of full and undi-  
“ vided allegiance, which by the laws of this realm  
“ is due to his majesty, his heirs and successors, from  
“ all his subjects, or with the civil duty and obe-  
“ dience which is due to his courts, civil and ecclesi-  
“ astical, in all matters concerning the legal rights  
“ of his subjects, or any of them; and I do solemnly,  
“ in the presence of God, profess, testify and declare,  
“ that I do make this declaration, and every part  
“ thereof, in the plain and ordinary sense of the  
“ words read unto me, without any evasion, equivo-  
“ cation, or mental reservation whatsoever.

“ So help me God.”

“ And that the person so taking, making and sub-  
“ scribing the same, shall be capable of taking,  
“ holding and enjoying such right, office and fran-  
“ chise, as fully and effectually, to all intents and  
“ purposes, as if such person had made, taken and  
“ subscribed the said oath of supremacy; save as  
“ hereinafter provided.”

The bill then proceeded to repeal the declarations respecting transubstantiation and popery, and against the invocation of the Virgin Mary and the saints:—

Several provisoes then followed, which expressed that the act should not repeal any laws respecting the succession of the crown,—or the statute of uniformity,—or any laws which excluded catholics from holding offices or beneficial places belonging to the established churches,—or any place in any ecclesiastical court of judicature,—or in any cathedral or collegiate establishment,—or in any of the universities,—or in any school of any royal or ecclesiastical foundation,—or from exercising any right of presentation,—from advising the crown in the appointment of ecclesiastical benefices ;—from holding the offices of lord high chancellor, lord keeper, or lord-commissioner of the great seal of Great Britain or Ireland, or of lord lieutenant, lord deputy, or other chief governor of Ireland ;—and from voting at parish vestries.

The clauses respecting the negative power of his majesty in the nomination to catholic bishoprics, and for regulating the intercourse between catholics in holy orders with the see of Rome, then followed ; these, as has already been observed, are similar to those introduced into the bill of 1813, but materially softened.

In this stage of the business, a severe domestic calamity obliged Mr. Plunkett to return to Ireland ;—he was accompanied thither with the benediction of all the catholics of the united empire ;—in the memory of them and their descendants he will ever live.

In consequence of this event, the care of the bill devolved to sir John Newport, one of the oldest, ablest and most active supporters of catholic emancipation.

In the mean time, a petition against the bill had been presented by the reverend Mr. Hayes, a capuchin friar.

*23d March.*

On the 23d of March lord Nugent presented a memorable petition.—“It was,” he said, “a petition  
“from four English catholic peers, the only four catholic peers at that time within reach of London,  
“who prayed that the bills then in progress might  
“pass into a law. The first of these petitioners,—  
“ (the duke of Norfolk),—was,” his lordship observed,  
“by rank, and by the precedence of centuries, at the  
“head of the peerage of the kingdom; the second,—  
“ (the earl of Shrewsbury),—was the *premier* earl;  
“and the two others,—(lord Petre and lord Arundell),—were, he might say, nearly at the head of  
“the class of the peerage, to which they belonged.”  
The petition stated, that “they had read a bill,  
“which they observed, by the votes of the house,  
“had been read a second time, intituled, ‘A bill to  
“provide for the removal of the disqualifications  
“under which his majesty’s catholic subjects then  
“laboured:’ that they had attentively considered the  
“form of oath therein proposed to be taken by his  
“majesty’s roman-catholic subjects as a substitute for  
“the oath of supremacy then by law required to be  
“taken as a qualification for the enjoyment of constitutional privileges;” that, “as the petitioners  
“had hitherto been precluded from taking their  
“seats in the house of peers of the united kingdoms,  
“only by the oaths and declarations theretofore required to be taken as a qualification for sitting  
“therein, they deemed it their duty to declare to the  
“house, that they considered the oath proposed by

“ the present bill, as perfectly consistent with the  
“ principles of their religion ; and that, if the bill  
“ should pass into a law, they were accordingly ready  
“ to take the same in the terms prescribed by the  
“ said bill, or in such other terms, to the same effect,  
“ as might seem fit to the wisdom and justice of the  
“ house : The petitioners therefore prayed, that the  
“ said bill might pass into a law.”

Sir John Newport then proceeded to move the order of the day for the further consideration of the report of the bill. He noticed the domestic calamity, which had befallen the mover of the bill, and had made it necessary for him to set off suddenly for Ireland, and in consequence of which the advocacy of the cause had devolved to him.—He justly observed, that “ he had long been connected with the catholic cause :” that “ it had grown with his growth, and strengthened with his strength : so that he had supported it from his earliest public life, and was then called upon to support it in his old age.” He proceeded to remark, that the principle of the bill was already explained and admitted : it only remained for the house to judge of the details.

The house being resolved into a committee,—Mr. Robert Smith, the chairman, moved the first clause.

It was opposed by sir William Scott ; he gave an historical view of the oath of supremacy. He observed, that the oath established at the accession of queen Elizabeth, consisted of two propositions,—the first was affirmative,—that the queen’s majesty possessed supremacy in these realms, in all civil and ecclesiastical establishments : the second was negative,—that no foreign prince, prelate, state or potentate, had or ought to have any jurisdiction, power,

pre-eminence or authority within these realms. At the Revolution, another oath of supremacy was prescribed ; the affirmative clause was rejected, and the negative retained. From the language of the clause, he contended, that the constitution, as it now stands, admits no existence of any jurisdiction of the pope within these realms. He contended that the religious duties and civil allegiance of subjects were so blended, that they scarcely could admit the jurisdiction of the pope in the former, without admitting its operation in the latter.—He then proceeded to consider “ the admonition of queen Elizabeth,” which had been pressed into the service of the bill. He contended that the queen expressly claimed by this admonition, all the authority which had been enjoyed by her predecessors—particularly naming Henry the eighth :—now, can it, he asked, be gravely asserted, that Henry the eighth, acknowledged in the pope that authority, which was allowed to reside in him by the present bill ?—By a further clause in the admonition, the queen disclaimed the right of exercising spiritual functions, and to this the disclaimer was confined. Thus, the admonition, in his opinion, bore a signification totally different from that which had been ascribed to it by the advocates of the catholic claims.—The catholics themselves had always refused the oath : this showed the sense in which they understood it, and that it was the sense in which it was understood by the legislature and the nation : it followed, in his opinion, that the interpretation put upon it by the mover of the bill, could not be supported.

It is needless to say, that sir William’s speech was argumentative and luminous : there was not perhaps

in the hostile array, one, whom the catholics wished more to see among the friends of their cause. Sir William has, during a long course of years, filled one of the highest judicial situations in this kingdom, in a manner, which has left neither the bar nor the suitors any thing to desire ;—the wisdom and rectitude of his decisions are known over Europe, and have contributed to the eminence which the country holds in the scale of nations.

Sir William Scott was followed by Mr. Horace Twiss,—who advocated the bill with great ability. Mr. Wetherell opposed it, and in his opposition displayed talent and research.

Sir James Mackintosh made a triumphant reply. Mr. Peel, in opposition to the bills, suggested that the bill, instead of operating as a bill of relief to the roman-catholics, might operate as a bill of exclusion to the conscientious protestant. He observed that, since the Reformation, the protestants had been required to take an oath, by which they abjured all ecclesiastical or temporal authority, to be exercised in this realm by any foreign power whatever. If the bill before the house should pass into a law, there would be a direct admission of some,—(small perhaps, but still some,)—authority both spiritual and ecclesiastical in the pope : it would legalize an unfettered, unlimited and unrestrained intercourse, between the subjects of this country and the see of Rome.—Did not this render it difficult for a protestant to take conscientiously, the national oath of supremacy ?

His speech was received by the house with the greatest attention : but a few observations from lord Castlereagh clearly showed, that the intercourse which was allowed by the bill, conferred on the pope neither

jurisdiction nor authority, according to the sense in which the laws of England interpret those words. He concluded, by an animated address to the good sense and feelings of the house : “ Nothing,” said the noble lord, “ is wanted to the stability of the state, “ but to bring the catholics into connection with it, “ by a fair and equal intercourse with it, instead of “ keeping the country in a state of danger and alarm, “ about bugbears which ought not to terrify any one.”

The house then divided, 230 for the clause, 216 against it : so that it was carried by a majority of 14.

*26th March.*

Sir John Newport gave notice that, if the bill passed the committee, he should move that the two bills should be consolidated.

The committee was then resumed : the phraseology of some clauses of the bill was discussed. Mr. Banks then moved for the insertion of a clause, providing, that nothing should extend to dispense with or repeal any of the laws in force, which excluded catholics from sitting in parliament ; and supported this motion by a long and temperate speech. General Calcraft replied to him with great ability : he successfully demonstrated how irreconcilable an opposition to the bill was, with a profession of adherence to the politics of Mr. Pitt.

He was followed by the speaker : his conclusion was unfavourable to the catholics, but he said much, which it was gratifying for them to hear. He admitted, that their conduct for a long time past, and the benefits which they had conferred on their country, entitled them to every thing that could be granted consistently with the safety of the state.—He did



not doubt their sincerity,—but he did not think that their admission to seats in parliament was a privilege, which, in conformity with their tenets, they could exercise beneficially to the country and the constitution.

Mr. Canning then addressed the house in a speech which equally showed the statesman and the scholar,—great soundness of judgment and brightness of wit.

He was followed by Mr. Grattan :—the respect which he received from the house was a tribute highly honourable to the memory of his father :—the speech of the son showed that he had not degenerated.

On the division, 223 voices were against the amendment, 211 for it ;—so that the original clause was carried by a majority of 12.

*27th March.*

On the 27th of March the house again resolved itself, on the motion of sir John Newport, into a committee on the bill. Mr. Carew produced some documents respecting the reverend Mr. Hayes, whose petition against the bill has been noticed.

Mr. Peel moved to extend the exceptions which the bill already contained, to the office of privy councillors, and to judicial offices.

Lord Castlereagh opposed the motion, with great eloquence.

On the division there appeared,

Against Mr. Peel's amendment	-	-	-	188
For it	-	-	-	169
				<hr/>
				19
				<hr/>

So that there was a majority of 19 against it.

Mr. Goulburn then proposed an amendment to prevent roman-catholics from being governors or administering the government of any of his majesty's colonies or foreign possessions. It is not a little remarkable, that, if Mr. Goulburn's motion had succeeded, the effect of it would have been to subject the roman-catholics to a law highly penal, to which they are not at this time subject; as no law, now in force, disables them from holding the office of governor, or any other office in the colonies.

The committee divided,

Against Mr. Goulburn's amendment	-	-	163
For it	-	-	120
			<hr/>
			43
			<hr/>

28th March.

The bill went through the committee, and was ordered to be reported on the following day.

29th March.

On the 29th of March, sir John Newport moved the order of the day for receiving the report: it was brought up, and the speaker put the question that the report be now read. Sir John Newport moved several new clauses to the bill: one, to prevent catholics from sitting at vestries, or to vote in the disposal of the property of the church: another, to empower the commission to dispense with the attendance of any ecclesiastical commissioner when regularly summoned; and, in case of his declining to attend, to empower the commission to summon any other ecclesiastical functionary to attend and proceed in his stead.

Mr. Croker then moved, that "a committee should

“ be appointed, under the superintendence of the  
 “ lord lieutenant, to examine the ecclesiastical ar-  
 “ rangements in every district, in order to facilitate  
 “ carrying into execution the measure of providing  
 “ for the catholic clergy.”

Lord Castlereagh agreed with Mr. Croker, that the great measure before the house would be incomplete until the provision then submitted to the house should be carried into effect. But he considered that the object would be obtained more speedily and more safely, by leaving it at rest for the present.—Mr. Croker withdrew his motion: the bill and the amendments were then ordered to be engrossed, printed, and read the third time.

*2d April.*

On Monday the 2d of April, sir John Newport moved that the bill should be read the third time. Sir William Scott and Mr. Peel opposed it;—and Mr. Canning supported it. Sir William Scott concluded his speech by moving an amendment, that the bill be read that day six months. The house divided:.

Against the motion	-	-	-	-	216
For it	-	-	-	-	197
					<hr/>
					19
					<hr/>

So that there was a majority of 19 in favour of the third reading of the bill.—AND THE BILL WAS PASSED.

*3d April.*

On Tuesday the 3d of April, sir John Newport, attended by a great number of the members of the

house of commons, carried the roman-catholic bill to the house of lords.

The earl of Donoughmore moved that the bill should then be read a first time and printed; that it should be read a second time on Tuesday, and that their lordships should be summoned for that day. The earl of Liverpool and the lord chancellor signified their intention to oppose it. The bill was then read for the first time.

The second reading of the bill was afterwards postponed to Monday the 16th of April.

Sir John Newport previously to his taking the bill from the table, to the bar of the house of lords, addressed the members, to express “his grateful sense  
“ of the kindness and attention, which had been  
“ shown to the original mover of the bill and himself  
“ on all sides of the house, during the progress of the  
“ measure, and of the manliness and candour, which  
“ had marked the whole of the discussions upon it.” He also expressed “his decided conviction from the  
“ result of his experience and of consideration of the  
“ subject, during forty years, that by the passing of  
“ the bill, the house had done more for the promo-  
“ tion of the internal peace, tranquillity and prosperity  
“ of Ireland, than by any public measure which it  
“ had adopted during that time.”

*16th and 17th April.*

The house of lords proceeded to the second reading of the bill.

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It was extremely natural for the roman-catholics to confide, that it would be favourably received in

the house of lords. The acknowledged meritoriousness of their general conduct,—their exemplary service in his majesty's fleets and armies,—their repeated and unequivocal disclaimers of the noxious tenets imputed to them, by which, and by which only, the laws now sought to be repealed had been attempted to be justified,—their explicit declarations of unqualified and undivided allegiance,—their rejection of every power and authority incompatible with it,—the recognition of their loyalty by many acts of the legislature,—their confidence that the nation had not forgotten that, when all her protestant colonies in America had revolted from her, catholic Canada alone preserved and still preserves her allegiance to her,—the conciliating and wise demeanour of the see of Rome and her functionaries,—the known moderation of lord Liverpool's councils, always considerate and benign,—the avowed patronage of their cause by lord Castlereagh,—Mr. Pitt's confessed plan of emancipation,—the avowed adherence of his majesty's ministers to his principles and politics,—the agreement of Mr. Pitt and Mr. Fox on this point, rendered more important by their disagreement on all others,—the kind words spoken to the catholics at the Union, interpreted by them all as a promise of emancipation\*,—the explicit declarations of more than one minister that the admission of the catholics into the constitution was necessary to the tranquillity and welfare of the empire,—the universal belief that if not granted at this time, it must be granted in a few

\* Upon this point, the late Mr. Grattan once said to the writer,—“ If government did not deceive them, it, at least, permitted them to deceive themselves.”

years, under circumstances which might make the grant lose half its grace,—the internal distress of the kingdom, to remove which the cheering and invigorating of the large catholic population, would considerably contribute,—the voices and becks which then invited, and which probably for a long time to come would invite all who think themselves aggrieved, to deeds of discontent,—the increasing wisdom of the times,—the unlimited toleration established in every state, whose conduct is ever cited as an example to be followed,—the total absence of popular clamor against the measure,—the many protestant petitions presented in its behalf,—the general avowal that the system sought to be finally got rid of originated in cruelty, in rapine \*, and in a breach of the articles of Limerick †,—the character and abilities of the former and present advocates of the catholics,—and above all,—the favourable issue of the debates in the house of commons,—all these circumstances combining, could not but elevate the feelings of the catholics, and lead them to suppose that there was much to hope, and not much to fear.

Under these circumstances,—and previously to the debate upon the bill in the house of lords, earl Grey presented to the house a petition signed by six roman-catholic peers, the duke of Norfolk, the earl of Shrewsbury, lord Stourton, lord Petre, lord Arundell, and lord Clifford, of the same tenor as that presented by them to the house of commons, but with such an

\* See the extract from lord Clare's speech, Hist. Mem. vol. iii. p. 455:

† See sir Henry Parnell's Hist. of the Penal Laws, p. 26, 7; and Hist. Mem. vol. iii. p. 464.

alteration in the language as was rendered expedient, in consequence of the incorporation of both the bills into one; and with an alteration in the prayer of the petition:—that, “upon taking the oath expressed in “ the bill, the petitioners might obtain the relief provided for them by the bill.”

The debate on the question began by the earl of Donoughmore’s moving, that the house should resolve itself into a committee for taking into consideration the bill for the relief of the catholics, which they had just received from the commons. . His lordship and lord Hutchinson, his brother, had been among the earliest advocates of catholic emancipation, and had, during a long period, stood almost single. Their zeal for its service had never abated;—and then burned as bright as ever.

Lord Donoughmore was opposed by the lord chancellor and lord Liverpool. It is quite needless to say that whatever talent and ingenuity, illustrated by dignity and character, could urge against the measure of emancipation, either on large or minute views of it, was urged by those exalted personages. Lord Grenville came to the aid of the catholic cause: it was generally understood, that his lordship had withdrawn himself altogether from politics; it was therefore singularly gratifying to the catholics to behold, that, on this trying occasion, the eminent wisdom, experience and eloquence of his lordship were exerted in their favour. The speech of the marquis of Lansdown will never be forgotten: it exemplified the remark of Mr. Fox, noticed in a former page, that “in every question, in which civil or religious “ liberty was interested, Petty might always be

“depended upon.” The debate continued during two days.—Finally the house divided,

In favour of the motion - 72	Against it - - - - - 90
Proxies - - - - - 48	Proxies - - - - - 69
<u>120</u>	<u>159</u>

So that the bill was lost by a majority of 39 votes.

It is impossible to praise adequately the exertions of Mr. Plunkett and his respectable associates in conducting this important bill through the house of commons: the zeal, the talent, the patience and perseverance which they exhibited in the arduous labour, were most exemplary, and entitle them to the thanks of every catholic and every friend of religious liberty.—May they and may their children meet with friends as able, as active, as disinterested, as steady, and as honourable as the catholics met in them!

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#### CHAP. XCIV.

DOCTOR POYNTER'S SUGGESTIONS ON THE OATH OF SUPREMACY:—OPINIONS OF THE IRISH CATHOLIC CLERGYMEN ON THE OATH CONTAINED IN MR. PLUNKETT'S BILL:—REFLECTIONS ON BILLS GRANTING LIMITED RELIEF.

WHEN the oath contained in Mr. Plunkett's bill was under consideration, Dr. Poynter had frequent communications with him, and the other gentlemen to whom it had been directed by a vote of the house of commons to prepare the bill. To prevent misconception of what was said by him in these delicate and important conferences, Dr. Poynter transmitted to them the following document.



## XCIV. 1.

*Dr. Poynter's Suggestions on the Oath of Supremacy.*

“ If the pope *ought not* to have *any* ECCLESIAS-  
“ TICAL or SPIRITUAL jurisdiction, &c. within these  
“ realms, he ought to have none at all; for he has  
“ no *civil* jurisdiction here. The above clause denies  
“ the divine right of the pope, as head of the church  
“ of Christ, to govern the universal church.

“ What is the proper and obvious meaning of the  
“ terms *ecclesiastical* and *spiritual*?

“ The term *spiritual* does not here mean the same  
“ as incorporeal or internal: but it means that which  
“ in nature directly tends to a supernatural end, or is  
“ ordained to produce a supernatural effect. Thus  
“ sacrifice, which is an external oblation of a sensible  
“ victim to God, and the sacraments, which are vi-  
“ sible rites, are *spiritual* things, because they tend  
“ to the worship of God and to the sanctification of  
“ souls. That is called *temporal* which in its nature  
“ and institution tends directly to the good order of  
“ civil society.

“ The power of the church is *spiritual*; and the  
“ power of the state is *temporal*.

“ By the term *ecclesiastical* is properly meant what-  
“ ever in its own nature belongs to the spiritual  
“ power and government of the church,—as by the  
“ term *civil* is meant whatever in its own nature be-  
“ longs to the temporal power and government of  
“ the state.

“ This is the proper and limited meaning of the  
“ terms *ecclesiastical* and *civil*, when the two powers  
“ are in a state of separation from each other and act

“ without any mutual co-operation. Such was the  
“ *ecclesiastical* power of the church under the heathen  
“ emperors ; such was the *civil* power of the Roman  
“ state during the same period.

“ When the two powers are associated together  
“ by a friendly concordate, the *ecclesiastical* power  
“ has sometimes exercised acts of a *civil* nature, by  
“ the *concession* of the state ; and the *civil* power has  
“ sometimes exercised acts of an *ecclesiastical* nature,  
“ by the *concession* of the church. In these cases,  
“ the term *ecclesiastical*, when applied to courts and  
“ causes of a mixed nature, under the jurisdiction of  
“ an ecclesiastical person as judge, is to be under-  
“ stood in a less strict and less proper sense. In  
“ this sense some of our courts in England retain  
“ the name of *ecclesiastical*. It is not in this mixed  
“ sense that the spiritual power of the pope and  
“ of catholic bishops in England is now called  
“ *ecclesiastical*.

“ At the change of religion in England the state  
“ totally divorced and separated itself from the ca-  
“ tholic church, and withdrew every portion of *civil*  
“ power from the pope and the catholic clergy, which  
“ they had ever exercised in England by the *conces-*  
“ *sion* of the state. Consequently the spiritual powers,  
“ which the pope and the catholic clergy now hold  
“ and exercise over the catholics in England, are  
“ **PURELY** *ecclesiastical*, without the least mixture of  
“ any civil or temporal power whatever.

“ This power and authority, *purely ecclesiastical*, is  
“ that which Christ gave originally to his apostles,  
“ and which was, by his ordinance, to be transmitted  
“ from them to their legitimate successors to the end  
“ of time, for the purpose of enabling them to preach

“ his faith, to promulgate his new law, to administer  
“ his sacraments, to govern his church, and to enforce  
“ the observance of his general commands by parti-  
“ cular and efficacious regulations. By the exercise  
“ of this *ecclesiastical* power the church, from the  
“ earliest ages, without the co-operation of the civil  
“ power, have issued many laws and ordinances relat-  
“ ing to the form of divine worship, to the manner  
“ and circumstances of administering or of receiving  
“ the sacraments, to the observance of the great  
“ christian festivals, to the rules of abstinence and to  
“ the fast of Lent, to the impediments and celebration  
“ of matrimony, to the conduct of the clergy, to the  
“ qualifications requisite for holy orders, to the limits  
“ of the jurisdiction of the different orders of the  
“ hierarchy, &c. Many such external and purely  
“ ecclesiastical regulations were made by the church,  
“ and enforced among the faithful in different parts  
“ of the world, before the church had any where any  
“ connection with the state. The object of the church  
“ in making them was, to enforce the observance of  
“ the commands and institutions of Christ, which are  
“ not of a temporal nature, but which tend directly  
“ to the worship of God and to the sanctification of  
“ the souls of men. The means by which the church  
“ enforced the observance of them were not of a *civil*  
“ nature, but were *ecclesiastical* and *spiritual*, viz. the  
“ influence of her authority and the privation of the  
“ benefits of her communion. ‘ *The weapons of our*  
“ *warfare are not carnal.*’ 2 Cor. x. 4.

“ In establishing and enforcing these ecclesiastical  
“ laws and regulations, the pope has from the earliest  
“ ages borne a principal part. Every catholic must

“ acknowledge that the pope, as head of the church,  
“ has ecclesiastical and spiritual authority over all  
“ the members of the catholic church. This authority,  
“ which he now exercises over the catholics in  
“ England, is *PURELY ecclesiastical* and spiritual ; it  
“ has not the least mixture of any portion of civil or  
“ temporal authority annexed to it. It is chiefly exer-  
“ cised here in appointing bishops and in giving them  
“ powers for the spiritual government of the catholics  
“ in their respective dioceses or districts, in super-  
“ intending the religious conduct of the catholics, and  
“ in granting dispensations from the ecclesiastical  
“ impediments of matrimony, when necessity requires.  
“ But this ecclesiastical and spiritual authority of the  
“ pope in England, as well as that of the catholic  
“ bishops here, is not invested with any civil formality,  
“ nor has it any civil effect. In its object, and in its  
“ means, it stands in a very *distinct* order from the  
“ civil power of the state. This may be illustrated  
“ by one or two cases.

“ A catholic confesses to a priest that he has in-  
“ jured his neighbour in his property or good name.  
“ The priest admonishes him of the obligation of  
“ making restitution, as far as he is able, to the ex-  
“ tent of the injury done, if he wishes to be reconciled  
“ to God and to be admitted to the sacraments. The  
“ man refuses to make restitution. In this case, the  
“ priest can only urge him by advice and by com-  
“ mand to comply with this moral obligation, and if  
“ he persists in his refusal to do his duty, by refusing  
“ to admit him to the participation of the spiritual  
“ benefit of the sacraments. But the priest cannot  
“ employ any *civil* means, such as imprisonment, fine,

“ &c. to compel him to make the restitution to which  
 “ he is bound by the law of nature, and by the  
 “ positive law of God.

“ In the same manner, the pope cannot enforce in  
 “ England the observance of a divine or ecclesiastical  
 “ precept by any civil or temporal punishment, but  
 “ only by ecclesiastical or spiritual means, such as  
 “ depriving a catholic clergyman of his spiritual  
 “ powers, or others of the participation of the sacra-  
 “ ments and of the communion of the church.

“ In cases of impediments of matrimony, on which  
 “ the laws of England are different from the laws of  
 “ the catholic church, the laws of the church have  
 “ their proper and distinct effect, and are not en-  
 “ forced by any civil means. Suppose then that two  
 “ catholics, first cousins, marry according to the forms  
 “ of the law of England, their marriage is considered  
 “ as valid and good according to law, as the degree  
 “ of first cousins is not a legal impediment: but their  
 “ marriage is considered by the catholic church as  
 “ invalid and null, *ab initio*, in conscience and in the  
 “ sight of God; because the degree of first cousins  
 “ is an *impedimentum dirimens*, totally annulling the  
 “ matrimonial contract in the sight of God. In this  
 “ case, the catholic bishop or priest would inform the  
 “ parties of the invalidity of their marriage, and of  
 “ the conscientious obligation of their separating. If  
 “ they refuse to separate, he cannot compel them by  
 “ any civil means: if they have children, he cannot  
 “ declare them illegitimate, so as to make them inca-  
 “ pable of succeeding to the titles and estates of the  
 “ father, or of enjoying the temporal benefits of legi-  
 “ timate children. But, if they refuse to separate,  
 “ the priest can refuse to admit *them* to the sacra-

“ments of the catholic church; and if they have  
 “children, these children will be ecclesiastically ille-  
 “gitimate, so as to be incapable of being admitted  
 “to holy orders. Hence it appears evidently, that  
 “the ecclesiastical and the civil powers are clearly  
 “distinct from each other in their means and effects.

“Whilst the catholic is bound by the law of God  
 “to acknowledge that the king has civil and tempo-  
 “ral authority for the government of the state, he is  
 “equally bound by the law of Christ to acknowledge  
 “that the pope has ecclesiastical and spiritual autho-  
 “rity for the government of the catholic church, and  
 “of all the members of the catholic church wherever  
 “they are. If any catholic were to swear that the  
 “pope *ought* not to have any ecclesiastical or spiri-  
 “tual authority in England, he would abjure the  
 “divine right of the pope to govern the members of  
 “the catholic church, he would abjure the principle  
 “of the supremacy of the pope, he would sepa-  
 “rate himself from the centre of catholic unity and  
 “communion, he would *ipso facto* cease to be a  
 “catholic.

“ (Signed) WILLIAM POYNTER, V. A. B.”

“ 4, Castle-street, Holborn,

“ March 5th, 1821.”

This important document was received by the gentlemen, to whom it was transmitted by Dr. Poynter, with the respect to which it was justly entitled. To the active, judicious and conciliating efforts of this prelate, it was principally owing that the explanation of the oath of supremacy was incorporated into the oath, and that the securities were greatly softened: but it should be observed, that in

every suggestion, which he made for softening the securities, Dr. Poynter always took care to intimate that, even with those alterations, he did not approve them, however he might think them less objectionable or less oppressive than they were in their original state.

## XCIV. 2.

*Opinions of Irish Clergymen on the Bill as it passed the Commons.*

It has not come to the knowledge of the writer, that the securities have been approved by any of the catholic prelates in England, Ireland or Scotland; or that any prelate, except Dr. Coppinger the bishop of Cloyne, and doctor Milner the vicar-apostolic of the midland district, has objected to the oath of supremacy, as it stands in the bill, which passed the house of commons. The general opinion of the roman-catholic clergy, on the subject of the oath and securities, may be collected from the following transcription of the resolutions entered into by the roman-catholic prelates of the province of Leinster.

“ At a general meeting of the roman-catholic prelates of the province of Leinster, and of the clergy of the arch-diocese of Dublin, held yesterday in the chapel of St. Michael and St. John;—The most reverend Dr. Troy in the chair:

“ The following resolutions were unanimously adopted :

“ Resolved, That we have read, with unmingled satisfaction, a bill now in progress through parliament, purporting to provide for the removal of the disqualifications under which his majesty's roman-

“ catholic subjects now labour, and that we deem it a  
“ duty to declare, that the oath of supremacy, as  
“ therein modified, may be taken by any roman-  
“ catholic, *without violating, in the slightest degree,*  
“ *the principles of his religion.*

“ Resolved, That our hearts are filled with the most  
“ lively gratitude towards the right honourable W. C.  
“ Plunkett, and those other distinguished statesmen  
“ who have lent the aid of their great talents towards  
“ obtaining the important boon, therein contemplated,  
“ for the roman-catholic people.

“ Resolved, That having read another bill in pro-  
“ gress likewise through parliament, and purporting  
“ to regulate the intercourse of persons in holy or-  
“ ders, professing the roman-catholic religion, we  
“ consider it an act of justice to the liberal and  
“ enlightened framers of that bill, to declare our en-  
“ tire conviction, that they were guided in the fram-  
“ ing of it, by no unkindly feeling towards the roman-  
“ catholic clergy, or no motive of hostility towards  
“ our religion, although it appears to us, that were  
“ the said bill to be enacted, in its present shape,  
“ into a law, it would press upon our order, and upon  
“ the essential exercise of the roman-catholic ministry,  
“ with great, unnecessary and injurious severity.

“ Resolved, That the roman-catholic clergy, hav-  
“ ing solemnly abjured all foreign authority or juris-  
“ diction, in civil matters, within this realm; having  
“ moreover sworn allegiance to his majesty, and  
“ proved their loyalty by a series of conduct which  
“ has been marked, at different times, with the ap-  
“ probation of his majesty's government; we submit  
“ it to the candour of every unprejudiced man, whe-  
“ ther it be just that our confidential communications



“ with the spiritual head of our church, on matters  
“ purely religious, should be laid open before persons  
“ of a different creed.

“ Resolved, That we have read with the deepest  
“ concern the clause which purports to vest in the  
“ crown an unlimited negative in the appointment of  
“ our bishops,—a power, as appears to us, equivalent  
“ in its effects to a right of positive nomination. We  
“ humbly conceive that the assumption of such a right,  
“ by persons of one religious persuasion to the no-  
“ mination of the ministers of another, has ever been  
“ considered by all denominations of christians, as  
“ impeding the free exercise of religion, and invad-  
“ ing the rights of conscience ; and that on this prin-  
“ ciple is founded that wise and necessary clause  
“ contained in the bill herein first mentioned, which  
“ provides, That *no person professing the roman-ca-*  
“ *tholic religion*, shall exercise any right of presenta-  
“ tion to any ecclesiastical benefice whatsoever of the  
“ established church.

“ Resolved, That our venerable archbishop, the  
“ most reverend Dr. Troy, be requested to make known  
“ to the right honourable the earl of Donoughmore  
“ and the right honourable W. C. Plunkett, *our con-*  
“ *scientious uneasiness*, as herein declared, and to  
“ communicate to them our most humble and our  
“ most earnest prayer, that they will employ their  
“ powerful talents and influence in the houses of  
“ which they are respectively members, to obtain  
“ from the justice and magnanimity of parliament,  
“ such modifications of the aforesaid bill, as shall  
“ not allow it to aggrieve the consciences of his  
“ majesty’s roman-catholic subjects.

“ Resolved, That these our resolutions be published,

“ without delay, in the Dublin Evening Post, Saunders’s News Letter, the Freeman’s Journal, Carrick’s Morning Post, and the Dublin Herald.

“ JOHN THOMAS TROY, Chairman.”

The most reverend Dr. Troy having left the chair, and the right reverend Dr. Doyle having been called thereto, it was—

“ Resolved, That the particular thanks of the meeting are due and hereby given to his grace the most reverend Dr. Troy, for his dignified conduct in the chair on this occasion, and for his prompt attention, at all times, to the interest of religion.

“ J. DOYLE, Chairman.”

It has been confidently asserted in print, that the pope and the sacred congregation *De Propagandâ Fide* expressed their disapprobation of the oath, as it was finally settled, and enjoined the catholic prelates to reprimand those, who had been active in promoting it.

The writer has made most particular inquiries respecting this circumstance, from persons both in England and Ireland, who, from their eminent rank in the hierarchy, must have been acquainted with the fact if it had been true: and he finds the assertion totally destitute of truth.

#### XCIV. 3.

##### *Reflections on Bills granting a limited Relief to Catholics.*

SUCH, as we have seen, would, if it had passed the house of lords, have been the operation of the intended bill in respect to the civil rights of his majesty’s roman-catholic subjects.

By perusing the account, which has been published, of the debates upon it in the house of commons, it will appear that several gentlemen, who objected to the bill in the extent in which it passed that house, were yet willing to consent to a bill in favour of the catholics, if it continued their exclusion from seats in parliament, at the council board, and upon the bench. Such a partial admission of them into the constitution, would certainly be a considerable amelioration of their present condition: the great objection to it, as to every other such limited measure, is, that however it may lessen, it will not remove that general depression, which all the roman-catholic population,—(the very lowest among them quite as much as the very highest),—certainly experience, and which makes the great bitterness of their lot.

A maid servant lately presented herself to be hired into the family of a protestant nobleman: the steward was perfectly satisfied with the account which she gave of herself and the character which she produced; but, on hearing from her, that she was a catholic, told her that “his master would never have any such cattle in his house,” and dismissed her.—Now, would this language have been used, this idea entertained, if catholics had been admissible, equally with protestants, into the situations which have been mentioned? It is this equalization of state, that constitutes the general salutariness of the measure of emancipation: the more this equalization is broken into by exceptions, the less salutary the measure must be, and the less generally diffused must be the good which it produces.

*Should such a limited measure be contemplated, the best method of effecting it, will be to abrogate alto-*

gether the declarations in the acts of the 25th and 30th of Charles the second, and to substitute the oath of 1791 instead of the oath of supremacy, as a qualification to catholics, for all offices except those from which the exclusion of them is to be continued.

That the declarations are highly objectionable appears to be generally admitted: it has been suggested, as a reason for retaining them, that, in fact, they are the only real guards which exclude catholics from the offices and situations in question, as the generality of them, it is alleged, would take the oath of supremacy and still deem themselves catholics.

It is true that, as the language of the oath of supremacy is ambiguous, and as an oath is always to be taken in the sense of the propounder, some persons have intimated that, if such a legislative interpretation of it should be given, as would impress upon it a construction conformable to catholic doctrine, the catholic church would cease to object to it.

Upon this subject the writer has, in a former part of these memoirs\*, stated his own impressions: he feels them confirmed by the recent parliamentary discussions of the catholic question. He still conceives that, notwithstanding the explanations given of the oath of supremacy in "the admonition of queen Elizabeth," and "the twenty-seventh of the thirty-nine articles," that oath was inconsistent with the doctrine of the catholic church, which teaches that "the pope is by divine right, spiritual head of the church of Christ."—He thinks the present oath of supremacy still more objectionable; and that, without a legislative interpretation,—and an approbation of that interpretation by the proper spiritual

\* Vol. i. p. 297.

authority,—it cannot be conscientiously taken by catholics.—This, he is confident, is the universal belief of all the members of his church ; he therefore hopes, that if the measure of limited relief should ever be contemplated, the suspicion which he has noticed, will not prevent that measure from being effected by the repeal of the two declarations. The sacredness of an oath, which never should be taken, if the truth of what is sworn to admits of any reasonable doubt\*,—good sense, which is shocked by the language of the declarations,—the terms of amity now

\* An oath is one of the most solemn acts of religion, and no one should swear that a particular doctrine is maintained by any description of persons, or that a doctrine is erroneous, unless by a previous examination, or some other previous process, he has convinced himself both of the real existence of the doctrine, and of its error. Now, of the thousands, who, every year make this adjuring declaration, how few have used due diligence to ascertain the truth of what they affirm of the doctrines mentioned in the oath ! How few have read the mass ! How few have read the expositions given by the catholics themselves, of their doctrines respecting transubstantiation and the invocation of the saints !

“ BOSWELL. What do you think of the idolatry of the mass ? —  
 “ JOHNSON. Sir, there is no idolatry. They believe God to be  
 “ there and adore him.—BOSWELL. The invocation of the saints ?  
 “ —JOHNSON. They do not worship the saints : they invoke them :  
 “ they only ask their prayers.” *The Life of Dr. Johnson by*  
*Mr. Boswell*, vol. i. p. 561, 2d edit. Citations of passages, in  
 which other eminent protestants,—and, among them, divines of  
 the greatest authority,—have made the same acknowledgments,  
 might easily be multiplied.—How then,—(let the writer ask every  
 reflecting protestant)—can a person, who has not once thought  
 seriously on the subject; *conscientiously* affirm, with the solemn  
 asseveration of an oath, that transubstantiation and the invocation  
 of saints, are what the statutes describe them ? Does the legis-  
 lature act conscientiously, or wisely, or prudently in requiring  
 such an oath ?

subsisting between the court of St. James and the Vatican, and which render the declarations an ungentlemanly state paper,—the littleness in wounding unnecessarily the feelings of that large proportion of the community which is catholic,—the injustice and impolicy of continuing any thing in existence which serves to keep prejudice against them alive,—and the wisdom and expediency of every legislative or ministerial measure of graciousness and conciliation,—seem to point out the propriety of repealing altogether these senseless, offensive, and inofficious declarations.

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#### CHAP. XCV.

##### DEATH OF MR. GRATTAN.

IN a former page we noticed the death of this eloquent and amiable senator,—this able, enlightened and consistent advocate of catholic emancipation.

Nature denied him some of the most important qualifications of an orator, and his taste was not that of Cicero ; but she gave him genius and industry, a powerful understanding, a liberal mind, and an honourable soul.

He certainly was entitled to be classed among the greatest orators of our time. His speech in 1808, in favour of catholic emancipation, may be considered as a complete specimen of his peculiar style of oratory. The writer has observed, in a former page, that this speech presents an union of eloquence, imagery and philosophy, which is rarely found in any composition ; and that nothing can show more strongly, than a comparison between Mr. Grattan

and his imitators, the vast space which is ever discernible between a man of real genius, philosophy and business, and a mere artist in language.

At the end of May 1820, Mr. Grattan came *for the last time* to London:—On the first day of the following June, the writer of these pages called upon him; and, being informed that he was extremely ill, was retiring without having seen him; but Mr. Grattan, having heard that he was in the house, sent for him. It was evident that he touched the moment of his dissolution:—but the ethereal vigour of his mind was unsubdued, and his zeal for the catholic cause unabated. He pressed the writer by the hand:—“It is,” he said, “all over!—yes,—all over!—but “I will die in the cause.—I mean to be carried to “the house of commons to-morrow:—to beg leave “of the speaker to take the oaths sitting,—and then “to move two resolutions.” These he mentioned to the writer; but spoke so indistinctly, that the writer could only perceive, generally, that they were substantially the same as the clauses, which he had prefixed to the bill, which, in 1812, he brought into parliament for the relief of the catholics. He again pressed the writer by the hand, repeated the intention of being carried to the house, and desired the writer to attend him to it:—But—he died in the ensuing night!

He was buried in Westminster Abbey: his funeral was most honourably attended: the charity-boys of all the catholic schools in London were present, and behaved with a seriousness which affected every beholder.

As a parliamentary orator Mr. Grattan was equalled by very few;—in public or private virtue, he was sur-

passed by none. He reflected honour on the country which gave him birth : in the parliament of Ireland he had but one rival : the parliament of the united empire felt that he added to its lustre, admired, respected and loved him.

It is honourable to the catholic cause to have had such an advocate.

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## CHAP. XCVI.

### DISAPPOINTMENT OF THE CATHOLICS AT THE FAILURE OF THE BILL FOR THEIR RELIEF IN THE HOUSE OF LORDS :—PROPOSED RENEWAL OF THEIR APPLICATIONS TO PARLIAMENT.

**THE** result of the debate in the house of lords, on the bill for the relief of the roman-catholics, was a severe disappointment to them.—Under it they cling to every subject of consolation which offers,—fortunately several present themselves :—

I. The strange objection from the coronation oath is no longer urged :—nor has a whisper from any respectable quarter intimated, that any prejudice against the bill is entertained by our enlightened sovereign :

II. For the first time, a bill for the emancipation of the roman-catholics has passed the house of commons ; for the first time, four cabinet ministers have voted for it ; for the first time, a British secretary of state, and a chief secretary for Ireland, have declared in parliament, that catholic emancipation is a measure essential to the tranquillity and prosperity of the empire,—and to the completion of the union :



III. It has also been admitted, that catholic emancipation made a part of the plans of Mr. Pitt, for the final incorporation and settlement of the two kingdoms :

IV. By the universal confession of the opponents of this great national measure, all the reasons which have been assigned for continuing in force the penalties and disabilities, under which the catholics still suffer, are now reduced to ONE. It is also confessed, that this one reason cannot be supported in argument, except by supposing the existence of an imperious *state necessity*, which still requires the depression and the degradation of the catholics in opposition to every general principle of wisdom, sound policy and humanity :—Here we beg leave shortly to detain our readers :

1. During the reign of queen Elizabeth *general disloyalty* was charged on the catholics ; the conduct of a very small number of individuals was criminal, but it is now acknowledged that the general conduct of the body was not only blameless but exemplary. At all events, *this charge* ceased with the life of the queen :—2. During the two following reigns, *the religion* of the catholics was the only charge against them ;—the church and state pronounced that their religion was superstitious, erroneous and idolatrous ; that the toleration of it was therefore a crime\*, and, (to use the very words of Knox), that “ the idolater “ should die the death :”—but intolerance on this ground is *now* universally exploded,—this charge therefore vanishes :—3. In the reign of Charles the second, Oates’s plot was fabricated ; and for their

\* “ Judgment of divers of the archbishops and bishops of “ Ireland on the toleration of religion.” *Ante*, vol. ii. p. 101.

supposed participation in it, those laws were passed which inflicted the penalties and disabilities of which the catholics now particularly complain: but Mr. Hume, (with all other writers of the present time), *now* informs us, that “ Oates’s plot is an incident, “ which, for the credit of the nation, it is desirable “ to bury in eternal oblivion.” This charge therefore is withdrawn:—4. The Revolution subjected the catholics to a new charge,—a supposed *attachment to James the second and his descendants*;—but James and all his descendants are gone to the grave of all the Capulets, and the attachment of the catholics to the house of Hanover is *now* undisputed; no ground for this charge therefore exists:—5. Forced, even by their own confession, from all these holds, the enemies of catholic emancipation profess to justify it on the ground, that the catholics *divide their allegiance* between the king and the pope; but allegiance to the pope is nonsense:—the catholics, with all the gravity of face in their power, have disclaimed it; and no one *now* really imagines it. Thus this charge has passed away with the rest:—6. At last,—all other reasons for the refusal of catholic emancipation failing,—it has been discovered that catholic emancipation is incompatible with the *protestant ascendancy*, which, it is said, the revolution of 1688, consecrated as *a principle* of the constitution. This is THE ONE,—the only reason, now alleged for resisting the catholic claims.

But,—will it not be found extremely difficult to prove, or even so much as to define with accuracy, the supposed constitutional principle of protestant ascendancy, without maintaining a principle confessedly unconstitutional? that there are laws which,

though the repeal of them is required both by justice and policy, it is not within the power of parliament to repeal. This, lord Coke declares to be an impossibility\* : to assert it, is treason to the constitution.

But,—let the principle be conceded,—let it be admitted to be the duty of the legislature to preserve the protestant ascendancy, because, in consequence of the revolution in 1688, this has become a principle of the constitution :—Still,—if, according to all rational calculation, centuries must pass away after catholic emancipation shall take place, before there will be twenty catholics in the upper or forty in the lower house, what real, what substantial danger can be justly apprehended to the protestant ascendancy from the measure? Can this imaginary danger be put into comparison with the real dangers, the real losses, the real inconveniences of every kind, both actually felt and reasonably to be apprehended, from the increasing irritation and discontent which now exist and must increase among the large catholic population of these realms, and the morbid results of this irritation and discontent to the state?

Thus then, all the pretences for the continuance of catholic degradation are reduced to this ONE; and

\* 4 Inst. 42.—And see 25 Edw. III. s. 6, and the very curious and interesting proceedings, Rot. Parl. 21 Rich. II. 50. 52. The record closes with this observation :—

*“ N're S' le roi apres avisement et deliberation avec les prelates  
“ et clergie de son roiolme a bien entendu qu'il ne purra obliger ses  
“ successeurs—rois d'Angleterre—par leur serment, ne par autre  
“ roie contre la liberte de la corone.”*

“ Our lord the king, after advising and deliberating with the  
“ bishops and clergy of his kingdom, fully understands, that he  
“ cannot bind his successors, kings of England, by his oath or  
“ in any other manner, against the liberty of the crown.”

when it is fairly set and fairly weighed against its certain mischievous and ruinous consequences,—THIS ONE kicks the beam.

V. It also affords some comfort to the catholics, to observe that, though the majority in the house of lords against the bill is appalling, it is much less than has appeared on several former divisions.

VI. Finally,—this majority, though numerically great, may be reduced to the expression of unity,—here the prospect begins to clear.

Bringing down the presumptive heir of the crown to oppose their petitions, wounded the feelings of the catholics : they are willing to believe that if it had been known how much it distressed them, it would not have been advised.

But,—however afflicted,—they are not dismayed ; they conceive, that the resort of their adversaries to such an extraordinary measure, proves that they found themselves in a circumstance of extraordinary difficulty : the *Θεος απο μηχανης*,—the preternatural machinery,—is never introduced—except in cases beyond human power, and never twice in the same drama.

Besides,—they never forget that, in January 1792, Mr. O'Hara tendered a catholic petition to the Irish house of commons ;—that one person only,—Mr. Denis Brown,—the very gentleman who seconded Mr. Plunkett's motion, voted for its reception :—that, on the 11th day of the following February, the petition was presented and rejected with marked indignity, by a majority of 208 votes to 23 :—that, on the 10th of *the following January*, the lord lieutenant in the speech, by which he opened the sessions of parliament, recommended the consideration of the catholic question to both houses of parliament ; that, in the

*following* February, Mr. Secretary Hobart himself brought in their petition ;—that it was respectfully received and discussed ;—and that *a few weeks afterwards*,—that is,—*within one year after the contemptuous rejection of Mr. O'Hara's motion*,—the memorable bill for the relief of the Irish catholics, with scarcely a dissenting voice, in either house, was passed by the legislature.

Surely then, there is no rational ground for despair :

—————“ *O socii comitesque !*

“ *Cras ingens iterabimus æquor.*”—HOR.

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## CHAP. XCVII.

THE PRELACY OF THE ENGLISH CATHOLIC CHURCH :  
—ITS CLERGY :—AND ITS CHARITABLE INSTITUTIONS,—SINCE THE REFORMATION.

IN the foregoing pages, the writer has endeavoured to present his reader, with a succinct account of some of the principal events in the history of the English catholics, from the Reformation to the present time :—In this chapter he will endeavour to lay before him,  
I. A succinct view of the state of their hierarchy :—  
II. Their clergy :—III. And their charitable institutions.

### XCVII. 1.

#### *The English Catholic Prelacy.*

WE have noticed the decease of Dr. Richard Smith in 1658 : “ On that event, the chapter,” says Mr. Berington \*, “ gave an account to his holiness, “ of the bishop's decease, and requested to know his

\* *Memoirs of Panzani*, p. 295.

“ pleasure concerning the future government of the  
“ church of England. He replied, ‘ I will not dis-  
“ approve of your chapter ; but, will let you alone  
“ with your government.’—In the same year, the  
“ chapter dispatched Mr. Plantin, a new agent, to  
“ Rome, to supplicate for a successor to bishop Smith.  
“ His holiness, in compliance with their requisition,  
“ promised they should have a bishop within seven  
“ months. ‘ And how,’ observed the agent, ‘ shall  
“ our church be governed in the interim?’—‘ Have  
“ you not a dean and a chapter?’ replied the pope.”

Still, during the thirty years which followed the decease of Dr. Smith, no successor to him was appointed. In the short reign of James the second, Dr. Leyburn was appointed bishop of Adrumetum, with ordinary jurisdiction over all England ; but two years after his appointment, bishop Giffard, under the title of bishop of Madaura, was added to the hierarchy, and the episcopal jurisdiction of England was divided between the two prelates. By a subsequent arrangement in the reign of the same monarch, England was divided into four districts ; and a prelate,—appointed to some Asiatic see,—was nominated to preside over each, with an annual salary of one thousand pounds, payable out of the Exchequer. At the Revolution, the salaries ceased : but the distribution of the districts has continued to the present time.—The northern district comprises eight counties ; Northumberland, Cumberland, Westmoreland, Durham, Yorkshire, Cheshire, Lancashire, and the Isle of Man :—The midland, fifteen ; Lincolnshire, Leicestershire, Huntingdonshire, Isle of Ely, Norfolk, Suffolk, Northamptonshire, Rutlandshire, Nottinghamshire, Staffordshire, Derbyshire, Warwick-

shire, Shropshire, Worcestershire and Oxfordshire :—The western, seven English counties,—Somersetshire, Gloucestershire, Herefordshire, Monmouthshire, Wiltshire, Devonshire, Cornwall, and the whole of North and South Wales :—The ten remaining counties, Kent, Middlesex, Essex, Hertfordshire, Sussex, Surrey, Berks, Bedfordshire, Buckinghamshire and Hampshire, with the Isle of Wight, Jersey, English America, and the West Indies, were assigned to the London district.

The appointment of vicars-apostolic was not, in the first instance, acceptable to the general body of the secular clergy. They presented to James the second a memorial against the appointment of Dr. Leyburn. Having been desired by his majesty to specify the difference between a bishop in ordinary, and a vicar-apostolic, they stated, in a memorial, that, “ by a bishop, who is an *ordinary*, is meant “ one, who hath power of *his own*, or *in himself*, to “ govern the flock, over which he is set; and, while “ he acts accordingly, he is not responsible to any, “ or revocable at pleasure.

“ On the contrary, a *vicar* is one, who hath no “ power of his own, or *in himself*; but only the use “ or exercise of the person, who substitutes him; so “ that, what he *does*, he *doth not* by his own power; “ but, by the power of the person, whom he represents; to whom, therefore, he is, at all times, “ accountable, as using purely *his power*,—by whom “ that power and himself too, are revocable at pleasure. Whence it follows, that a *vicar* need not be “ a *bishop* at all, but in certain cases; and, although “ he be consecrated, and is to have the title and “ character of a bishop, yet, acting only *in* and *by*

“ the power of *another*, according to the order and  
 “ instruction given by *him*, he is not properly a bishop  
 “ of the flock, to which he is sent, but officer or dele-  
 “ gate of the person who sends him.”

Such were the sentiments of the secular clergy. But, after the appointment of vicars-apostolic was made, they acquiesced in it. The English catholic church has since been governed by them: the prelates exercising their power with moderation; the flock yielding to them an edifying obedience; the chapter considering their own jurisdiction suspended, while there is a vicar-apostolic in office.

This economy is confirmed by a decree of the sacred congregation *De Propaganda Fide*, dated 6th October 1694; and confirmed by an apostolic sanction of Innocent the twelfth, dated October 1696. It declared, that, “ by the deputation of vicars-apostolic into England, all jurisdiction whatsoever, of  
 “ the *chapters*, as well *secular* as *regular*, of all the  
 “ churches of that kingdom did cease; but yet only,  
 “ while their deputation, or that of others so deputed,  
 “ at any time, by the apostolic see, should last, and  
 “ not otherwise.”

It is observable, that a few ancient nuns, now residing in Somers-Town, are the only remains, by unbroken succession, of the ancient monastic institutions of England. These are the spiritual daughters of the convent of Bridgetines, established, at the time of the Reformation, at Sion, near Brentford. At the dissolution of monasteries, they removed to Lisbon: on the invasion of that city by the French, they were admitted to the general hospitality, shown by this country, to the ecclesiastical emigrants.

As, under the arrangement, which has been men-



tioned; all British America, and all the British possessions in the West Indies, were assigned to the vicar-apostolic of the London district, few catholic prelates had a more extensive jurisdiction. But, in July 1789, the congregation of the *propaganda* published a decree, afterwards approved by pope Pius the sixth, ordering all the catholic priests, within the United States of America, to assemble, and to fix upon some town, for an episcopal see, and,—but for that time only,—to choose its bishop. They fixed on the town of Baltimore, and twenty-four out of twenty-six votes, elected, for their prelate, Dr. Carroll of the society of Jesus. On the 6th of November 1789, the pope issued a bull, by which he appointed him to the see of Baltimore, with episcopal jurisdiction over the whole territory of the United States. In 1808, his holiness erected the bishopric of Baltimore into a metropolitan see, and New York, Philadelphia, Boston, Beardstown in the Kentucky country, into suffragan bishoprics. He conferred the dignity of an archbishopric on the see of Baltimore, and sent Dr. Carroll the pallium. Other appointments of catholic prelates, in different parts of the foreign dominions of his Britannick majesty, have since been made by the Roman see. In the Appendix \* will be found a succinct chronological account, with which the writer has been favoured, of the roman-catholic prelacies in England, and in the possessions of his majesty in the East and West Indies.

Such are the triumphs of the gospel!—We are struck with the grandeur of pagan Rome, when we read of her highways, which, issuing from the Forum,

\* See Appendix, Note VII.

traversed Italy, pervaded the provinces, and were only terminated, by the frontiers of the empire. Far beyond these, the successor of St. Peter has sent from christian Rome, the feet of those who preach the gospel of peace, and carry the faith of Christ to all the nations of the earth.

In describing the general body of the clergy of Amiens, the biographer of the celebrated bishop of that city, says, “ they were all decent; and many “ exemplary.”—Higher praise belongs to the English catholic clergy. Who of them is not punctual in his attendance at the altar? Or in his confessional? Or, not ready at the call of every poor man, to afford him spiritual succour? Or, to instruct his poor child? Where is the hospital, the workhouse, or the prison, into which, if it have a catholic inmate, the catholic priest does not cheerfully carry the comforts of religion?

With few exceptions, these servants of God, and benefactors of man,—for these honourable appellations they certainly deserve,—subsist by privations. Still,—scanty as is their revenue,—the poor generally have some share of it. Wherever he is, the English catholic pastor is the poor man’s friend.

The scantiness of the provision for the vicar-apostolic of the London district, lately attracted the attention of the faithful, committed to his charge. A respectable increase was immediately made to it, by a subscription equally honourable to the pastor and the flock. No condition, no obligation whatever accompanied it, beyond a general understanding, that it was a contribution for the prelate’s comfortable and decent subsistence. With the same respectable and filial feelings, the following letter was addressed

to the pope ;—we subjoin to it the answer, with which it was honoured.

“ Most holy father,

“ WE, whose names are undersigned, peers and  
“ commoners of Great Britain, professing the ca-  
“ tholic religion, most humbly beg leave to represent  
“ to your holiness,

“ That, we have heard, with the greatest concern,  
“ that endeavours have been made, and are now  
“ making, to prejudice the minds of your holiness  
“ and the cardinal prefect of the sacred congregation  
“ *De Propagandâ Fide*, against one of our venerable  
“ pastors, the right reverend Dr. William Poynter,  
“ bishop of Halia, and vicar-apostolic of the London  
“ district :

“ We beg leave to testify to your holiness, that,  
“ from the time of his being appointed coadjutor to  
“ the late right reverend Dr. Douglas, of revered  
“ memory, till the present hour, the conduct of the  
“ right reverend Dr. Poynter has been uniformly  
“ edifying and exemplary.

“ Acceptable to the highest, benign to the lowest,  
“ serving all for God, his zeal, in the discharge of  
“ pastoral duty, and his assiduous exertions to pro-  
“ mote the welfare of his flock, his learning and his  
“ piety, are acknowledged by every one. In a situ-  
“ ation, necessarily of great difficulty and delicacy,  
“ the constant tenor of his conduct, at once blame-  
“ less and respectable, has gained him universal  
“ reverence.

“ The concern which we have mentioned is greatly  
“ increased, by hearing, (what we cannot bring our-  
“ selves to believe), that there have been,—and still  
“ are—projects to induce your holiness to remove

“ this excellent prelate, from the district committed  
 “ to his care.

“ Against every such attempt, we most humbly  
 “ and earnestly appeal to your holiness ; and we beg  
 “ leave to represent, that such a measure would be  
 “ highly detrimental to religion ; highly distressing  
 “ to the members of the district which he has so long  
 “ and so worthily governed ; and highly displeasing  
 “ to all who interest themselves in the cause of the  
 “ catholics of this realm.

“ Confiding in your holiness’s wisdom and dis-  
 “ cernment, and your known and proved solicitude  
 “ for all the churches, committed by Christ Jesus to  
 “ the care of your holiness, his vicar on earth, we beg  
 “ leave, most holy father, to submit to your paternal  
 “ attention, these our humble representations.

“ Assuring your holiness, of our inviolable at-  
 “ tachment to our holy faith, and our obedience, in  
 “ Christ, to the Mother and Mistress See,—we be-  
 “ seech your apostolic benediction :—and with the  
 “ most profound respect and veneration are,

“ Your holiness’s most dutiful

“ and obedient servants in Christ,

“ Norfolk, earl marshal of  
 “ England.

“ Surrey,

“ Shrewsbury,

“ Newburgh,

“ Kinnaird,

“ Petre,

“ Arundell,

“ Dormer,

“ Clifford,

“ Everard Arundell,

“ Hugh Clifford,

“ Edward Stourton,

“ Evelyn Dormer,

“ Henry Englefield, bart.

“ Henry Tichbourne, bart.

“ George Jerningham, bart.

“ John Throckmorton, bart.

“ Thomas Webbe, bart.

“ Edward Smythe, bart.

“ Richard Bedingfield, bart.

“ Edward Blount, bart.

“ Carnaby Huggerston, bart.

&c. &c. &c. &c.

&c. &c. &c. &c.

&c. &c. &c. &c.

*The Answer.*

“ Beloved children !—Health and apostolical  
“ benediction,

“ In your letter of the 31st of last June, you ex-  
“ posed to us, your fear and solicitude, lest our ve-  
“ nerable brother, the bishop of Halia, the vicar of  
“ this see in the London district, who, you informed  
“ us, had, according to intelligence received by you,  
“ fallen under the heavy suspicion of us and the pre-  
“ fect of the congregation *De Propagandâ Fide*, should  
“ be removed from his aforesaid vicariat: and, with  
“ the greatest earnestness, you petitioned, that this  
“ might not take place; and gave, with unanimous  
“ consent, the most ample testimony to the doctrine,  
“ virtue, prudence, and ardent zeal for religion, by  
“ which this prelate had gained the greatest esteem  
“ from every order of persons among you.

“ Grateful to us, in the first place, has been this  
“ your warm attachment towards the person, whom  
“ the apostolic see has assigned to you for pastor:  
“ Most grateful to us, moreover, is this your very  
“ unanimous testimony in his favour, which you have  
“ transmitted to us: For, by these, both the virtue of  
“ this eminent prelate, and your own excellent dispo-  
“ sitions, obtain, at the same time, our full commen-  
“ dation: But, we fully authorize you to expel, from  
“ your minds, every such anxiety; for we never en-  
“ tained, respecting the bishop of Halia, the suspicion  
“ of which you are apprehensive; and much less,  
“ have we ever thought of removing him from his  
“ apostolic vicariat: for, on the very grounds which  
“ you have clearly exposed to us, we entertained

“ the best opinion of him, and the most affectionate  
 “ disposition in his regard.

“ It is pleasing to us to signify these things to  
 “ you, and by this method, to put you in possession  
 “ of the most certain proof of our most honourable  
 “ judgment of this most illustrious prelate, and of our  
 “ good-will towards you.

“ We most highly commend and receive, with pe-  
 “ culiar gratification, the significations of reverence,  
 “ devotion and attachment, to the chair of Saint  
 “ Peter, and to ourselves, who, though unworthy, are  
 “ seated in it, which your letter, replete with affec-  
 “ tion and duty, most clearly expresses: and answer-  
 “ ing it, with equal affection and duty, on our part,  
 “ we most cordially impart to you all, agreeably to  
 “ your earnest requests, our apostolic benediction.

“ Given at Rome, at Saint Mary Major,  
 “ 30th August 1817, the eighteenth year  
 “ of our pontificate.

“ Pius P. P. VII.”

#### XCVII. 2.

#### *Religious Establishments made by the English Catholics in Foreign Countries.*

THE mention of the hierarchy of the English catholic church naturally leads to a consideration of their institutions for education.—It has been stated, in a former part of this work, that, in consequence of the Reformation and the penal enactments, which followed it, the catholics established colleges, and religious communities in different parts of the continent. The summary view of these, given in “*A short Chronological Account of the Religious Establishments, made by English Catholics on the Continent of*

*“ Europe, by the Abbé Mann, in the 13th volume of the “ Archæologia,” is inserted in the Appendix to the first volume of these memoirs.*

The principal establishments for the education of youth, were the college of secular clergy at Douay, and the colleges of the Jesuits at St. Omer and Liege. At Douay, the studies of humanity, of philosophy, and theology; at St. Omers, the studies of humanity; at Liege, the studies of philosophy and theology were cultivated:—and in all were cultivated with success. How deeply the students were instructed in religion is evident from the circumstance, that, during the era of the English persecution, the single college of Douay sent to England, one hundred and twenty priests, who suffered death for their religion.

The education at the colleges, we have mentioned, was very good. “It must be confessed,” says, Dr. Pattenson\*, “that there be many excellent wits, and  
“men of great learning, bred in the colleges of Eng-  
“land; yet, this I may truly say, that those beyond  
“the sea are of no base quality; neither is their edu-  
“cation, in those places, such, as should render them  
“liable to that character, in time to come. Yea rather,  
“—they are so orderly governed, and their times  
“of study, devotion, exercise, both scholastical and  
“spiritual,—recreation,—yea even of their most ne-  
“cessary repast and rest,—are all so exactly measured  
“out to them,—all occasions of idleness, excess and  
“ill company, so prudently and carefully prevented,  
“that it is no wonder they appear so civil, so devout,  
“so religious, temperate, sober, and well-governed, in  
“outward deportment, as, through the grace of God,  
“they do. They are, as I said, by their superiors,

\* Image of both Churches, 2d edit. p. 472.

“ strictly kept to their tasks; yet rather won, than  
 “ forced into them. They are bridled with a hard bit,  
 “ but it is carried with such a gentle hand, as it does  
 “ not pinch, but guide them; so that, as their studies,  
 “ —blessed be God!—are not altogether unhappy,  
 “ so neither, is their life unpleasant; but sweet, agree-  
 “ able to virtuous minds, and full of the noblest  
 “ contents.”

In a former part of the work we have inserted the edifying accounts given of these establishments by Dr. Allen and father Persons.

### XCVII. 3.

#### *The Charitable Establishments of the English Catholics for the Education of the Poor.*

THESE should not be altogether passed in silence. They are numerous, and excellently conducted. They are under the direction of the clergy. In their direction of them, the clergy are generally assisted by several persons, in the middle classes of life, whose meritorious exertions, in these concerns, no pen can adequately celebrate.

Here,—the writer speaks from his own observation:—Numerous are the persons of this description, whose first and latest thought is, how they can best promote the glory of God, and the welfare of their neighbour; how they can best procure raiment for the naked, food for the hungry, instruction and employment for the young, comfort for the aged, and the last blessings of religion for the dying. On the great day of retribution, nothing of what we have described will be forgotten by Him, who will then remember, even a cup of water, given in his name: in the mean time, they wade through a thousand wearisome details, submit to a



thousand rebuffs, and undergo a thousand mortifications. The great but obscure merit of these invaluable individuals, was observed and felt by the sublime Bossuet. "Poor suffering martyrs," exclaims that eminent light of the church of God,—“persist in suffering your lowly martyrdom, without murmuring; and sincerely loving those, who make you suffer!—This was one of the distinctive marks of Jesus Christ, and you have the honour of bearing it. For whom I am writing this, I do not know; I have no man particularly in view, I know there are many such. Dear to them indeed should be their humiliations, whatever they are, and whoever occasions them\*.”

It is pleasing to add, that their exertions are happily seconded by the noble and the wealthy among their brethren. Considering the great pressure of the demands of the state on the landed property of the *catholic nobility and gentry*; that they bear, in common with their countrymen, all the burthens of the state, and are excluded from every channel, through which, under the various denominations of places, pensions and salaries, a great part, of what is taken from individuals, is returned to them;—that they are deprived of many methods of providing for their younger children, and that, in addition to the support of the national clergy, the support of their own pastors falls heavily upon them,—still, their public and private munificence is great, on every occasion equalling, and often exceeding the most sanguine expectation.

The French Revolution restored the members of the foreign schools of the English catholics to their native country. For the kindness with which they

\* Meditations, cxyiii. Jour. 21.

were received, and with which they have since been unceasingly treated, they have every reason to be,—and they are,—truly grateful. Three colleges,—one at Old-hall Green near Puckeridge, one at Ushaw near Durham, and one at Oscot near Birmingham, are under the immediate direction of the prelates, within whose jurisdictions they lie: the college at Stonyhurst, near Blackburne, is a filiation from the college of the English ex-jesuits at Liege, at the time of the commencement of the French Revolution.

That deplorable event sent also several communities of English nuns into this country. To these, the incomparable kindness of this country has equally extended its protection. The edifying regularity of their lives, and the prudence of their conduct, are universally acknowledged. If, among his intelligent countrymen, there be one, who thinks of them slightly or unkindly,—all the writer requests of him is, to be permitted to attend him to the spot,—to place him, in the chapel, the study, the refectory, or the garden,—and to whisper in his ear, in words like those graven on the tomb of sir Christopher Wren, in St. Paul's church,

*Quales sunt, circumspice\*.*

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## CHAP. XCVIII.

### OUTLINE OF THE LITERARY HISTORY OF THE ENGLISH CATHOLICS SINCE THE REFORMATION.

WE shall close these pages with an attempt to present the reader with an outline of the literary history

\* The words on the monument of Sir Christopher Wren,—the architect of that noble pile,—are,

*Si quæres monumentum, circumspice.*

of the English catholics since the Reformation; bringing successively into view, I. Their most eminent theologians: II. Poets: III. Historians: IV. Lawyers: and V. Some account will then be given of their sacred music.

## XCVIII. 1.

*Theologians.*

1. ONE of the first controversies between the catholic and protestant divines, was carried on by Dr. *Jewel*, the bishop of Salisbury, and Dr. *Thomas Hardinge*. The latter, at the time of the accession of queen Elizabeth, was prebendary of Salisbury; and had several other preferments. Of all these he was deprived, and retired to Louvaine.

In 1562, bishop Jewel published, in the Latin language, his celebrated *Apology for the Church of England*. It was translated into the English, Greek, and several other languages. Dr. Hardinge replied to it, by his *Confutation of the Apology of the Church of England*; Antwerp, 1563. Dr. Jewel replied by his *Defence of the Apology of the Church of England*; London, 1564. This became even a more popular work, than his apology. Queen Elizabeth, king James, and king Charles the first, ordered it to be chained up, and read, in all the parish churches, throughout England and Wales. Dr. Hardinge answered it, by his *Detection of sundry foul errors, lies, slanders, corruptions, &c. uttered and practised by M. Jewel, in a book, lately by him set forth, called, An Answer, &c. Louvaine, 1568*. To this the bishop published an answer, in the same year. Each writer was considered as the champion of his party; and

each allowed by both parties to display great ability in the controversy\*.

2. The next work, which presents itself to our attention, is the *Rheimish version of the Old and New Testament*. The version of the New Testament, with notes, was published, in one volume, quarto, in 1582, at Rheims; to which city, the English clergy, originally established at Douay, had removed. In 1600, it was reprinted, at Douay; with some variation in the notes. A translation of the Old Testament was published at Douay, in 1610. Dr. Allen, Dr. Bristow, Dr. Reynolds, and Mr. Martyn, were employed in the work; but by Dodd's account†, "it may be entirely ascribed to Mr. Martyn; the others, being only revisers."

The general asperity of language, in which the notes are written; and some expressions sounding disloyally, which they are said to contain, gave just offence. These, however, did not prevent the publication of a new edition, in 1816, in Dublin. In the title page, it is said to have been "revised, corrected, and approved," by Dr. Troy, the titular archbishop of Dublin. This imputation produced from his lordship the following declaration:

"Having seen a new edition of the Rheimish Testament, with annotations, published by *Coyne, Dublin*; and *Keating, &c. London*, 1816, said to be revised, corrected, and approved, by me, I think it necessary to declare, that I never approved, nor meant to approve, of any edition of the Old or New Testament, which was not entirely conformable,

\* For an account of this controversy, see Strype's *Annals* E. ch. xxv. xlv. xlviii.

† Church History, vol. i. p. 121.

“ as well in the notes, as the text, to that, which was  
“ edited by *R. Cross, Dublin, 1791*, containing the  
“ usual, and prescribed formula of my approbation ;  
“ and which has served as an exemplar to the several  
“ editions, that have since been published with my  
“ sanction. As, in the said new edition, the notes  
“ vary essentially, from those of the last-mentioned  
“ editors, which, exclusively, I have sanctioned for  
“ publication, I should think *that* circumstance alone  
“ fully sufficient to induce me to withhold every kind  
“ of approbation from it ; but having read, and now,  
“ for the first time, considered these notes, I not only  
“ do not sanction them, but solemnly declare, that  
“ I utterly reject them ; generally, as harsh and irri-  
“ tating in expression ; some of them, as false, and  
“ absurd in reasoning ; and many of them, as un-  
“ charitable in sentiment. They further appear to  
“ countenance opinions and doctrines, which, in  
“ common with the other roman-catholics of the em-  
“ pire, I have solemnly disclaimed upon oath. Under  
“ these circumstances, and with these impressions on  
“ my mind, I feel an imperious duty to admonish that  
“ portion of the catholic body, which is intrusted to  
“ my charge, of the danger of reading, and of paying  
“ any attention to the notes and comments of the said  
“ new edition of the Testament ; and I enjoin the  
“ roman-catholic clergy of this diocese to discourage,  
“ and prevent, by every means in their power, the  
“ circulation, amongst catholics, of a work tending  
“ to lead the faithful astray ; and much better fitted  
“ to engender, and promote, amongst christians, hos-  
“ tility, bitterness and strife, than, what should be  
“ the object of every such production, to cultivate

“ the genuine spirit of the gospel, that is, the spirit of  
“ meekness, charity and peace.

“ Dublin, 24th October 1817.

J. T. TROY.”

That the notes deserve the strong expressions of censure, applied to them by Dr. Troy, admits of no doubt. Dr. Geddes, in his *Prospectus of a new Translation of the Holy Bible*, has described the faults of this version, and the notes to it, and has suggested the best extenuation, which they admit. “ It is,” he says, “ a literal and barbarous translation from the  
“ vulgate, before its last revision ; and accompanied  
“ with acrimonious and injurious annotations. The  
“ residence in a foreign country, and, what they  
“ deemed, exile from their own, corrupted the trans-  
“ lators language ; and soured their tempers ; and it  
“ was, unhappily, the common custom of those la-  
“ mentable times, to season every religious contro-  
“ versy with gall and vinegar. We do not find, that  
“ Fulke, Fuller and Cartwright, who drew their  
“ quills against the Douay annotators, were a bit more  
“ courteous than they.”

It may be added,—that, when the censurable expressions of the Rheimish annotators are brought forward, the dungeons, the racks, the gibbets, the fires, the confiscations, and the various other modes of persecution, in every hideous form, which the catholics of those days endured, should not be forgotten. That these should have produced many censurable expressions, cannot be a matter of surprise. If something of the kind had not fallen from them, they must have been more than men.

In 1749, a new edition both of the Old and

New Testament with some alterations in the text, and much in the notes, was published, from the notes of the late Dr. Challoner.—Still, the version is imperfect: A more correct version is, perhaps, at present, the greatest spiritual want of the English catholics\*.

3. The subject leads to the mention of the version of *The Historical Books of the Old Testament*, by the late reverend Alexander Geddes, LL. D. Dr. Geddes was a priest of the catholic church; and, for several years, served a catholic mission in Scotland. Incurring the displeasure of his bishop, he removed to London; and, at first, said mass, in private families. After some time, he altogether abstained from the exercise of his sacred functions, and dedicated himself to a new translation of the scriptures, under the patronage of lord Petre, the grandfather of the present lord. His lordship furnished the doctor with a complete biblical library, and promised to allow him, during the time in which he should be engaged in his biblical undertaking, an annuity of one hundred pounds: and double the amount of this sum, his lordship, while he lived, most regularly paid the doctor. His translation comprises, in two volumes, the historical books. It is accompanied by notes, under the text; and by a volume of critical observations. In these, he absolutely denied the doctrine of the divine inspiration of the sacred writings; expressed himself very slightly, on several opinions, universally received and respected by the church; and generally

\* See “Lewis’s History of the Translations of the Bible into “English.” 2d ed. p. 277,—and the writer’s Essay on the discipline of the church of Rome respecting the general perusal of the Scripture in the vulgar tongue by the laity,—annexed to the History of Confessions of Faith, 8vo.

adopted the German scheme of rationalizing the narrative of the Old Testament.

The frequent levity of his expressions was certainly very repugnant, not only to the rules of religion, but to good sense. This fault he carried, in a still greater degree, into his conversation. It gave general offence; but those who knew him, while they blamed and lamented his aberrations, did justice to his learning; to his friendly heart, and guileless simplicity. Most unjustly has he been termed an infidel. He professed himself a trinitarian, a believer in the resurrection, in the divine origin, and divine mission of Christ, in support of which he published a small tract. He also professed to believe, what he termed, the leading and unadulterated tenets of the roman-catholic church. From her,—however scanty his creed might be,—he did not so far recede, as was generally thought. The estrangement of his brethren from him was most painful to his feelings. The writer has, more than once, witnessed his lamenting the circumstance, with great agitation, and even with bitter tears.

The general opinion, respecting his version, appears to be settled. It is admitted to contain many happy renderings, many just emendations of the text, and many profound and ingenious observations on its sense, and to discover a profound knowledge of the Hebrew language. But the propriety of the greater part, both of his emendations and interpretations, has been questioned,—the too frequent levity of them, we have already noticed. Another considerable defect in his version, is its total want of uniformity of style; in this respect, it yields to the vulgate, in which, although it was evidently executed by different hands,—the *vultus et color idem* are, throughout,



admirably preserved. No translation of the sacred volumes, not even that of Houbigant, possesses this excellence, in an equal degree. In every page of the version of Dr. Geddes, there is some breach of this uniformity; the style, moreover, is justly reproached with incessant inversions,—a mode equally contrary to the Hebraic, and the Greek idioms.

When he died, he was preparing a pocket edition of the Psalms. He had sold the copy to Johnson, the bookseller: and the work was printed off, to the middle of the 118th Psalm.

Lord Petre, his original patron, bequeathed to him an annuity of one hundred pounds, during his life.—With the hereditary munificence of his family, his lordship's son, soon after the decease of his father, signified to the doctor, in the most polite and friendly manner, his intention to continue his father's patronage of the work; and to allow him an additional annuity of one hundred pounds.

The doctor did not long survive his noble patron. Lord Petre died in July 1801. The doctor died in the following February. He was buried, by his own desire, in the churchyard at Paddington. The funeral was numerously, and honourably, attended. Few could boast of warmer, or of more respectable friends; for no one ever called in question his learning, or the benevolence of his disposition: but every catholic, and even every christian must admit, that offensive and unjustifiable passages frequently occur, both in his translation, and in his other writings.

Lord Petre extended his kindness to the doctor's memory. Immediately after his death, his lordship desired the writer of these pages to examine his papers. At his request, Dr. Disney, a particular friend of the

deceased, was associated with him, in the task. This was the more proper, as a report had been widely circulated, that the catholics had caused his papers to be destroyed. Dr. Disney, and the present writer, made as complete a search, among them, as their avocations permitted. To their great surprise, although they found several literary manuscripts, they did not, with the exception of a rough version of the last Psalm, find a single scrap of paper that related to his biblical pursuits. This was signified to lord Petre, with a recommendation, that further searches and inquiries should be made by some person possessed of greater leisure. These were made ; but they were equally unsuccessful. All this was the more surprising, as, from the doctor's declarations to his friends, and from other circumstances, there was great reason to suppose that he had made considerable progress in the continuation of his work ; or, at least, had collected ample materials for it. Probably, in the view of his approaching dissolution, he had committed them to the flames. On the receipt of this report, it was thought proper, that the public should be made acquainted with the result of the investigation, by a preface to the doctor's translation of the Psalms. Such a preface was accordingly written. It was signed by Dr. Disney, and the present writer, and prefixed to that work.

A learned and interesting life of the doctor has been written by Mr. Mason Good. It has been mentioned, that the doctor was, by his own desire, buried at Paddington.—It was by his own desire also, that the following inscription, was written on the stone, raised at the head of his grave.

Reverend ALEXANDER GEDDES, LL. D.

Translator of the Historical Books

Of the Old Testament,

Died Feb. 26th 1802.

Aged 65.

Christian is my name, and Catholic my surname.  
I grant, that you are a Christian, as well as I;  
And embrace you, as my fellow disciple in Jesus:  
And, if you are not a disciple of Jesus,  
Still I would embrace you, as my fellow Man.

*Extracted from his Works.*

Requiescat in Pace.

This stone was erected by his friend, Lord Petre, in 1804.

4. We have noticed the controversy between Dr. Hardinge and Dr. Jewel.—We have now to mention a controversy of equal celebrity in its time.

To the fifth volume of his reports, *sir Edward Coke* prefixed a learned preface, in which he endeavoured to establish, by a series of precedents, the spiritual supremacy of the king of England. To this, *father Parsons*, in 1606, published a reply, intituled “*An Answer to the fifth part of the Reports of sir Edward Coke, &c. by a Catholic Divine.*” *St. Omers*, 4to. On each side, the argument is nearly exhausted; the diligence of subsequent polemics has not enabled them to produce upon this subject, much that is new, either in point of fact, or of argument.

No writer, perhaps, has expressed, in fewer words, or with greater accuracy, the different natures of spiritual and temporal power, than father Parsons has done in the work, we have just mentioned, (*p.* 31.) “As the temporal power for furnishing of his authority, hath *power* also to punish temporallie, when occa-

“ sion is offered, and this, in either goods, body or  
 “ life; so, have spiritual magistrates also, by Christ’s  
 “ appointment, *ecclesiastical power*, not only to teach,  
 “ exhort, instruct and direct, as has been said, but  
 “ to punish in like manner, by spiritual *censures*,  
 “ much more grievous and dreadful *in respect to the*  
 “ *life to come*, than are the forenamed punishments  
 “ of the civil magistrate, which censures are three in  
 “ number, answering, after a certain manner, to the  
 “ former three of the temporal magistrate; and these  
 “ are, according to catholike divinity and canons of  
 “ the church, suspension, interdict, and excommuni-  
 “ cation.”

5. Among the polemic writers of the seventeenth century, few were more generally read or respected, than the celebrated *Abraham Woodhead*. His works were highly prized by Mr. Alban Butler, the author of the *Lives of the Saints*. But the style of them is so bad, the matter so confused, and the sentences so perplexed by parentheses, as to make the perusal of them an exertion, too great for the generality of readers. It is not, however, improbable, that if some one, qualified for the task, and bestowing proper attention upon it, would favour us with *the Spirit of Abraham Woodhead*, he would produce much instructive, and much interesting matter;—lost, at present to the public, by the obscurity cast on it by the author.

6. Among the catholic writers, in the reign of Charles the second, none was more distinguished than *Hugh Paulin Cressey*. He was born of respectable parents, at Wakefield, in 1603: and was taught the first rudiments of learning at a grammar-school in that town. In 1619, he went to Oxford, and in 1626, was admitted fellow of Merton college. He took the degree

of master of arts; and, entering into holy orders, became a chaplain to Thomas lord Wentworth, then lord president of the north. He afterwards became chaplain to viscount Falkland; accompanied his lordship to Ireland; and was promoted, by his interest, to a canonry in the collegiate church at Windsor, and to the deanery of Laughen, in Ireland. The disturbances of the times obliging him to quit England, he travelled through Italy, and, after a serious examination of the doctrine and discipline of the church of Rome, made a public profession of its religion in 1646. He then repaired to Paris, and studied theology, with great attention, under the celebrated Henry Holden, doctor of the Sorbonne. The fruit of his studies appeared in his *Exomologesis, or a faithful narrative of the occasions and motives of his conversion to catholic unity*. Two editions of this work have appeared, one in 1647, the other in 1658. The last contains an appendix; but the former contains a profession of allegiance, which Cressey asserted the general body of English catholics to be willing to sign; and from which, the Irish remonstrance, mentioned in a former chapter, was principally copied. In the second edition this was omitted. Both editions are scarce.—Cressey afterwards became a monk of the order of St. Benedict, in the abbey of English monks, at Douay, and, at his profession, took the name of Serenus, by which he was afterwards generally known. His conversion did not deprive him of his protestant friends.—The learned Dr. Henry Hammond, having received from him a copy of his *Exomologesis*, declined, in the language of friendship, to become his antagonist, “that he might give “no disturbance to a person, for whom he had,” as

he expressed himself, "so great a value, and ~~who~~  
" could have no humane consideration in the change  
" he had made." Cressey remained seven years in  
the benedictine convent at Douay.

Here he became acquainted with the manuscript writings of father Baker, a laborious collector of antiquities relating to the ecclesiastical history of England, and a great master of ascetic science. Baker was in correspondence with Camden, sir Henry Spelman, sir Robert Cotton, Mr. Selden, and several other antiquaries of eminence, and left behind him large manuscript treasures. To these, *Reyner*, the author of the *Apostolatus Benedictinorum in Angliâ*, was greatly indebted : and, from some of them, Cressey collected his *Sancta Sophia, or directions for the prayer of contemplation, in two volumes, 8vo. Douay 1657*,—a work highly deserving the attention of all, who either study the philosophy, or seek to acquire the practice of mystic devotion. Of father Baker's manuscript collections, Cressey also availed himself in the composition of his "*Church history of Britany from the beginning of Christianity to the Norman conquest, Rouen*," 1668, in one volume folio.—He left in manuscript a second part of this history, which, carried it down, as it is said, to his own times. It was preserved in the benedictine convent at Douay, and is supposed to have perished in the general devastation at the French Revolution. Father Cressey had respectable antagonists, and among them lord Clarendon and Dr. Stillingfleet.—A new edition of the *Exomologesis*, with a succinct view of the controversy between Cressey and his two great opponents, would form an interesting manual of catholic controversy.

On the marriage of Charles the second, with the Infanta of Portugal, Cressey became one of her chaplains, and resided in Somerset House. In the decline of life, he retired to East Grinstead, and died at the seat of Richard Caryl, esq. in 1674, in the 81st year of his age. “His loss,” says Mr. Chalmers, in his Biographical Dictionary, “was much  
 “regretted by those of his communion, as well on  
 “account of the purity of his manners, and his mild  
 “and humble deportment, as for the candour, plain-  
 “ness and decency with which he had managed all  
 “the controversies that he had been engaged in, and  
 “which had procured him in return much more of  
 “kindness and respect than almost any other of his  
 “party had met with”—(we wish the biographer had not added the unjust words)—“or had deserved.”

7. With the celebrated Mr. *John Gother*, the polemics of the last century respectably close. Dodd, in the third volume of his church history, mentions seventeen controversial, and twelve spiritual tracts of his composition, and makes a general mention of others. “The style of them,” he says, “is natural  
 “easy and unaffected; and in the opinion of Mr.  
 “Dryden, the poet laureat, a masterpiece in the Eng-  
 “lish language.” The most known of his controversial works is intituled, “*A papist misrepresented,  
 “and represented.*” An abridgment of it was made by the late Dr. Challoner. The seventeenth edition of it is now before the writer.—The most eminent of his spiritual works, is his *Instructions on the Epistles and Gospels of the whole year*: the reader of them must agree with Mr. Dryden, in his opinion of the great beauty of the style; and, perhaps, think, with the present writer, that no composition in the

English language approaches nearer to the nervous simplicity of the best writings of the dean of St. Patrick's.

8. Amongst the English divines established in foreign countries, none attained greater celebrity than Dr. *Henry Holden*. He was born in Lancashire, of respectable parents, in the year 1596; studied at Douay, removed to Paris, and was admitted, at the Sorbonne, to the degree of doctor of divinity. He died about the year 1665. His work, "*Divinæ Fidei Analysis*," elegantly reprinted, after several prior editions, by Barbou in 1767, acquired him great reputation. His object was to state with exactness, and in the fewest words possible, all the articles of catholic faith: distinguishing these from matters of opinion. With this view, he succinctly states the subject of inquiry, and the points immediately connected with it; and, after a short discussion of them, inquires, in reference to the subject before him, *quid necessariò credendum?* The solution of this question concludes the article. His work gave general satisfaction: it has been translated into English. L'Avocat says, "it is an excellent work, and comprises, in a few words, the whole economy of religion." He was unfavourable to jansenism. "The work of Jansenius," he writes in a letter made public by his desire, "I never read, not so much as a page, or even a section of it. But, as I find that Jansenius, and the five propositions extracted from it, (which I condemned from the first), were condemned by Innocent the tenth,—from my respect to so great, and so sacred an authority, I condemn,—in the same sense in which they were condemned by him,—Jansenius and his propositions." He sub-



scribed the celebrated censure of the Sorbonne, of the letter of Arnaud to the duke of Liancour, but wished his apology for it to be received.

9. Both in the sixteenth and seventeenth centuries, a multitude of other writers of the catholic communion deserved, and obtained, great celebrity. They are now generally forgotten; and extremely difficult to be procured. Among these, "*A Search into Matters of Religion*;" *St. Omer's*, 4to. 1615, by *Francis Walsingham*, deserves particular mention.—It is written with taste and spirit; and was particularly recommended by the late Mr. Alban Butler to those protestants, who were inclined to embrace the roman-catholic religion.

10. It is not a little remarkable, that, notwithstanding all the discouragements, under which their spiritual pastors have laboured, it may be doubted, whether as good books of prayer and devotion are to be found, in any country, as those, with which the English catholics have always been supplied. The writer has long endeavoured, but without success, to discover the author, or compiler, of the prayer-book, intituled, "*The whole Manual*." The writer has seen an edition of this Manual, published in 1750; in the preface to which, the editors profess to present "a new edition of an excellent Manual of devout Prayers, first printed in the year 1688, and then called the Prince of Wales's Manual;" but the editors were mistaken in calling the edition of 1688 the first edition, as the present writer found, in the chapel in Stonor Park in Oxfordshire, an edition of the Manual, published in 1674, intituled, "A Manual of Prayers and Litanies, distributed according to the days of the week, with other

“ excellent devotions, fitted for all persons and occasions. Last edition, much corrected. IHS. Paris. *Permissu superiorum.*” A short preface to it, mentions it, as “ the manual, or a more portable volume than some former impressions had rendered it,” that “ the hymns were rendered according to the corrected edition of Urban the eighth ;” but that the maine and justest glory of this last edition, was a large and exquisite body of litanies.” Several of the hymns are different ; and in some, which have been retained, corrections were made in subsequent editions. In Dr. Gee’s *Foot in the Snare*, printed in 1624, the writer finds a mention of *the Manual of Prayers, reprinted*, which may be the work in question. For prayers, at once instructive, simple and dignified,—sometimes even reaching the true sublime,—it may certainly be put into competition with any existing catholic book of prayer. The morning and evening litanies, for the Sunday, are most beautiful.

It is not indeed certain, but tradition asserts,—and it is corroborated by internal evidence,—that the translations, in this edition, of the *Te Deum*, the *Pange Lingua*, the *Veni Creator*, and the *Salve Regina*, proceeded from the pen of Mr. Dryden. The writer suspects,—but has no authority for saying,—that we owe the beautiful, though loose, translation of the *Stabat Mater*, to the same pen.

A translation, beginning with the lines,

“ O God ! I love thee, not to gain  
“ The joys of thy eternal reign,”

of a celebrated hymn of St. Francis Xavier, was made by Mr. Pope, at Lady-Holt, in Sussex, the seat of Mr. Caryl, to whom Mr. Pope dedicated his *Rape of*

the Lock. This was related to the author, by the late Mr. Wheble, a member of the society of Jesus, and a distinguished preacher, who received his information from Mr. Pigott, a member of the same society. It was made at the request of father Brown, a jesuit, the chaplain of Mr. Caryl.

11. Early in the seventeenth century, *Dr. Hawarden*, who had taught theology, for several years, in the English college at Douay, with great applause, came into England, and distinguished himself by many polemic writings, in which there is an union, seldom found, of brevity, accuracy, clearness, order, and close reasoning. They have been printed, in three small volumes. Two of his works deserve a particular notice.—These are, his “*Answer to Dr. Clarke, and Mr. Whiston, concerning the Divinity of the Son of God, and of the Holy Spirit; with a summary account of the writers of the three first Ages;*”—and “*Charity and Truth, or Catholics not uncharitable in saying, none are saved out of the catholic communion.*”—The first of these works was owing to the following circumstance:

In a more refined, and, if not in a more intelligible, at least in a more specious form, than it had appeared before, the doctrine of the early socinians, respecting Jesus Christ, was produced, in the beginning of the last century, by Dr. Samuel Clarke. Tritheism, arianism and sabellianism, are the rocks, upon one of which the adventurer in the trinitarian controversy, too often splits. Dr. Clarke professed to steer clear of the first, by denying the self-existence of the Son, and of the Holy Ghost; of the second, by maintaining their derivation from, and subordination to, the Father;—and of the third, —by maintaining the

personality, and distinct agency, of each person of the Trinity.

In his work, "*The Scripture Doctrine of the Trinity*," he propounded his system, with great clearness, and supported it with considerable strength and subtlety of argument. He met a powerful opponent in Dr. Hawarden. By the desire of queen Caroline, the consort of George the second, a conference was held by them in the presence of her majesty; of Mrs. Middleton, a catholic lady, much in the confidence of the queen, and of the celebrated Dr. Courayer.

When they met, Dr. Clarke, at some length, in very guarded terms, and with very great apparent perspicuity, stated and explained his system. After he had finished, a pause of some length ensued. Dr. Hawarden then said, that "he had listened with the greatest attention, to what had been said by Dr. Clarke;" that, "he believed, he apprehended, rightly, the whole of his system;—that the only reply, which he should make to it, was,—asking a single question;—that, if the question were thought to contain any ambiguity, he wished it to be cleared of this, before any answer to it was returned; but desired, that, when the answer should be given, it should be expressed, either by the affirmative, or negative monosyllable." To this proposition, Dr. Clarke assented. "Then," said Dr. Hawarden, I ask;—can God the Father annihilate the Son, and the Holy Ghost?—answer me, yes; or no."—Dr. Clarke continued, for some time, in deep thought; and then said,—"It was a question, which he had never considered."—Here the conference ended.

A searching question it certainly was; and the

reader will readily perceive its bearings. If Dr. Clarke answered, "yes," he admitted the Son, and the Holy Ghost, to be mere creatures. If he answered "no," he admitted each to be absolutely God.—The writer of these pages has frequently heard the conference thus related, particularly by the late Mr. Alban Butler, and by Mr. Winstanley, the professor of philosophy, at the English college, at Douay.

The other work of Dr. Hawarden, to which the writer has called the attention of his readers, "*Charity and Truth*," is still more interesting. Those,

Who deal damnation round the land,  
On each, they judge a foe, POPE.

should, for their penance and improvement, be enjoined to read, once in every week, the second chapter of this excellent work. The result of what it propounds, is,—1st, "That, whatever be the religious  
" belief of the parents of a person, who is baptized;  
" and whatever be the faith of the person, who baptizes him, he becomes, in the instant of his baptism,  
" a member of the holy catholic church, mentioned  
" in the apostles creed:—2dly, That he receives, in  
" his baptism, justifying grace, and justifying faith:  
" —3dly, That he loses the former, by the commis-  
" sion of any mortal sin:—4thly, That he loses the  
" latter, by the commission of a mortal sin against  
" faith; but does not lose it by the commission of  
" a mortal sin of any other kind:—5thly, That, with-  
" out such wilful ignorance, or wilful error, as  
" amounts to a crime, in the eye of God, a mortal  
" sin against faith is never committed; and 6thly,  
" That, except in an extreme case, no individual is

“ justified in imputing, even in his own mind, this  
 “ criminal ignorance, or criminal error, to any other  
 “ individual.”

It is to be observed, that the work, from which these propositions have been extracted, is held, by the catholics, in universal esteem ; and has been recently republished, under the sanction of all the Irish prelates.—May it not be asked, whether these tenets be not conformable to the gospel? And whether a greater conformity, in this respect, to the doctrine of the sacred volume, can be found in the tenets of any other church?

Strange as it may be thought, this accurate and learned theologian, was compelled to quit Douay college, on a vague accusation of jansenism. The late Mr. Wilkinson, the vice-president of the English college at Douay, showed the writer of these pages, a series of questions put to Dr. Hawarden, in consequence of this accusation, with the doctor's answers to them. One of the questions was,—*an jansenismum unquam probaveris?*—The venerable man replied,—*Ne dormiens quidem ; nam vigilantibus, tale facinus excidere non potuit.*—As the writer quotes from memory, there may be some verbal inaccuracy in his statement: but, he is quite sure, that the terms of the answer, were not less strong, than he has represented them.

12. The late *Dr. Challoner*, the vicar-apostolic of the London district, equally edified the English catholics by his virtues, and instructed them by his writings. He will be most known to posterity, by his “ *Garden of the Soul*,”—the most popular book of devotion among the English catholics,—*his con-*

*controversial works*, in three volumes ;—his *Meditations*, in two; -- and the two volumes of his *Memoirs of Missionary Priests*. It is impossible to speak in too high terms of the uprightness, and the firm and meek constancy of these venerable sufferers. Thus far, all were martyrs to the roman-catholic religion, as there was not one who might not have saved his life by taking the oath of supremacy.

The materials of which the narratives inserted in this work of Dr. Challoner are framed, are beyond exception : those who have not perused it have no notion of the ferocity of the statutes under which these respectable priests suffered, of the total inattention either to the forms or the substance of justice with which the prosecutions of them were conducted, or of the barbarity with which the sentences passed upon them were executed.—All roman-catholics, but particularly the catholics of these realms, have great obligation to Dr. Challoner, for having saved from oblivion the memory of the heroic passions of the edifying men, who thus preserved to us, in torments and death, the deposit of the roman-catholic faith : but the researches of the present writer have convinced him, that much yet remains to be done, and that much of the sufferings of our ancestors for their religion remains to be told. The writer laments most sincerely that he has neither the time necessary for the composition of such a work, nor the talents requisite to do it justice ; he hopes it will fall into the hands of some person properly qualified for the honourable toil.

Dr. Challoner's life has been written by Dr. Milner, and Mr. Barnard, Dr. Challoner's vicar-general.

13. It is a just cause of regret that Dr. Challoner's life has not been written by Dr. Milner, and Mr. Barnard, Dr. Challoner's vicar-general.

VOL. IV.

Each to the English

province of the Benedictine monks,—the religious order, to which *Dr. Walmesley*, the late vicar-apostolic of the western district, belonged,—that they have not favoured the public with an account of this prelate's profound mathematical researches. He first became known, as a mathematician, by a defence, in one of the foreign journals, of sir Isaac Newton's doctrine of Fluxions. The essay was received with universal applause, and the academy of Berlin chose the author of it a member of their institute,—an honour which his modesty declined. In 1747, he entered into the discussions, to which the celebrated problem of the three bodies, at that time, gave rise; and his investigations, though scarcely known in his native country, were thought, on the continent, to be on a level with those of Clairaut, d'Alembert and Euler. While he was thus advancing to the height of mathematical fame, he was appointed vicar-apostolic of the western district: and then, or at least soon after his nomination to this situation, he gave up entirely his mathematical pursuits. This, it has been said, was owing to his having been once so subdued, while he was celebrating the sacred mysteries, by a mathematical distraction, as to find himself making diagrams on the linen of the altar, with the paten,—a thin plate, used by the catholic priesthood in the ceremonies of the altar. It is also said, that when his dereliction of mathematics was mentioned to d'Alembert, the philosopher expressed great concern at the loss, which mathematics would sustain, by it. *Dr. Walmesley* lived in an edifying discharge of every pastoral and every pious duty, to a very advanced age: but, to the last, if a mathematical subject chanced to be mentioned, his countenance



would brighten, and reveal his suppressed affection for mathematic lore. He published some mathematical works, which answer his great reputation; he also published, under the assumed name of Pastorini, *a History of the Church, taken from the Apocalypse, and an Explanation of the Prophecy of Ezekiel*; the former has been translated into the Latin, French, Italian and German languages. The riots, which, in 1780, took place in London, were imitated at Bath: the virtuous prelate was insulted, and his house plundered. He died in 1797.

14. The religious works, which have been noticed, though deserving, on many accounts, to be generally read, had little circulation beyond the catholic pale,—a circumstance, to which the general prejudice, which has prevailed, even until the present times, against the catholics, was greatly owing. The first work in favour of the catholics, which attracted general notice, was the *Letters of a real Free-thinker, by Mr. James Usher*, an Irish priest, established in this country. He was the author, likewise, of *Clio, an Essay on Taste*, which is still read, and praised by the writers on this difficult and delicate subject. It is a dialogue between him and a young lady,—now Mrs. Tighe, the daughter of the late Mr. Duany, of Warfield in Berkshire:—He assured the writer, that he added in the work, but little to what fell from her in the conversation.

In the letters alluded to, the writer assumed for granted, that the assertions, respecting the increase of popery, as he professed to call the catholic religion, were true: and then proceeded to inquire, to what circumstance it was owing, that, notwithstanding all the pains, penalties and disabilities, accumulated on

popery, and all the sermons, and all the writings, against it, popery was ever on the increase. He pursued the inquiry, in the Socratic mode of argument; and concluded, that the increase of popery proceeded from the frequent falsehood, easily discovered, of the charges brought against it; and gravely recommended, that these should be abandoned, as rather serving, than injuring, the catholic cause.

“ You learned controvertists,” says the real free-thinker, “ when you attack the church of Rome, “ never fail to assault her, in some point or other, “ in which she is impregnable. You accuse her of “ teaching idolatry, or impiety, or the breach of “ faith with heretics, or the lawfulness of murdering “ them, or some other immorality. This, to be sure, “ gains you a temporary applause among your zealous “ partisans, and inflames their hatred against papists. “ But, in the mean time, the people themselves, being “ conscious of the falsehood of these charges, are “ confirmed in their religion; and serious protestant “ seekers, discovering, by degrees, the same falsehood, “ are induced to go over to the popish communion.”

The letters of which we are speaking appeared in the *Public Ledger*; and were generally read. They have been collected in a small volume; and have had an extensive circulation.

15. We have mentioned the free-thinker's letters, as the first publication which drew the public attention to the catholics. *Mr. Alban Butler's* “ *Lives of “ the Saints*” had previously made their appearance; and were in the hands of many learned persons of other communions. The erudition, the beauty of the style, the true spirit of religion, and the mild and conciliating language, which pervade the work, edi-

fied all its readers; disposed them to be pleased with a religion, in which they saw so much virtue; allayed their prejudices against its professors; and led them to consider the general body with good-will. It has been translated into the French, Italian and Spanish languages; and, though a bulky, and an expensive, work, has gone through several editions. Mr. Murphy's stereotype edition of it, adorned with beautiful engravings, does him great credit; and will probably become a part of every catholic library.—A life of Mr. Alban Butler, composed by his nephew, the writer of these pages, has been published, and has gone through several editions. It is prefixed to Mr. Murphy's edition of "*The Lives of the Saints.*"

Mr. Alban Butler's style is peculiar to himself, partaking more of that of the writers of the seventeenth century, than of the style of modern writers: Mr. Gibbon mentioned it to the present author, in terms of great commendation. Speaking of the Lives of the Saints, he calls it\*, "a work of merit,—the sense and " learning belong to the author,—his prejudices are " those of his profession." As it is known, what prejudice means in Mr. Gibbon's vocabulary, Mr. Alban Butler's relatives accept the character.

16. Few have contributed more to dispel the public prejudice against the catholics, than the late *father O'Leary*.—He had essentially served the English government, by his exertions to tranquillize the spirit of lawlessness and outrage, which, at this time, had begun to show itself, in many parts of Ireland. The government rewarded his services, by a pension of two hundred pounds a year; but, fearful of his ascendancy

\* History of the Decline and Fall of the Roman Empire, vol. iv. p. 457. 1st edit. 4to.

over the Irish peasantry, annexed a condition, that he should reside in this country. In his writings against Dr. Woodward, the bishop of Cloyne, and the celebrated Mr. Wesley, he displayed great powers, both of argument, and of ridicule. His answer to the former,—who quarrelled with purgatory,—“that he “might go farther, and fare worse,” is generally known. The appearance of father O’Leary was simple. In his countenance, there was a mixture of goodness, solemnity and drollery, which fixed every eye that beheld it. No one was more generally loved, or revered; no one, less assuming, or more pleasing, in his manner. Seeing his external simplicity, persons, with whom he was arguing, were sometimes tempted to treat him cavalierly;—but then the solemnity, with which he would mystify his adversary, and ultimately lead him into the most distressing absurdity, was one of the most delightful scenes, that conversation ever exhibited.

17. *Dr. Thomas Hussey*, the catholic bishop of Waterford,—will long live in the memory of his friends:—a man of great genius; of enlightened piety; with manners at once imposing and elegant; and of enchanting conversation. He did not come into contact with many whom he did not subdue: the highest rank often sunk before him. He accompanied the son of the late sir John Webb on his travels: but the youth travelled with him, not he with the youth. During their continuance at Vienna, a negociation was on foot between the emperor and the Porte; and the wise Joseph, in his usual manner of affecting great business, was for ever saying, “*J’attends un “courier de Constantinople.*”—This was so frequently repeated, that it became a kind of *sobriquet* among the

courtiers. At this time, the treaty for the peace, between England and America, was first opened. It happened that, on receiving some propositions from America, the house of commons adjourned for a fortnight. “Mais donc,” said the emperor to Dr. Hussey, “expliquez moi çela.—You are panting, and dying, for a peace. At length she advances towards you; and instead of running up to her, and embracing her, you adjourn for a fortnight: Expliquez donc çela.”—“Mais, çela est clair,” said Dr. Hussey, “c’est, que nous attendons un courier de Constantinople.”—The expression got into the mouth of every one; and for three days, Dr. Hussey was the first man in Vienna.

His eloquence in the pulpit was really great; but it rather subdued than satisfied reason. The writer of these pages was present, at a sermon, which he preached, on the small number of the elect. Copying Massillon, he asked, “whether, if the arch of heaven were to open, and the Son of Man, bursting from the mercy in which he is now enveloped, should stand in that chapel, and judge his hearers,—it were quite certain, that three, or even two,—nay, trembling for myself, as well as for you!—is it quite certain that *even one of us!*”—exclaimed the doctor in a voice of thunder,—“would be saved?”—During the whole of this apostrophe, the audience was agonized. At the ultimate interrogation, there was a general shriek,—and some fell on the ground.—This was the greatest triumph of eloquence, which the writer has ever chanced to witness:—but, as he has before observed, it rather subdued, than satisfied. It has been truly remarked, that the priest, having the invisible world, on which to place his lever, has the πῦρ στῶν, which Archimedes

fore move the visible diurnal sphere, *and all that it inherit*, at his pleasure.

Dr. Hussey had many excellent qualities. Among these, were his warm attachment to his friends, and his sincere love of his native country. The establishment of Maynooth college was principally due to him. When Spain joined France, during the American war, Dr. Hussey was chaplain to the Spanish embassy. The Spanish ambassador quitted England, on a sudden; and left some unsettled concerns to the doctor's management. This circumstance occasioned communications between him and the ministers, and these availed themselves of the intercourse to set on foot, through him, a negociation to detach the court of Spain from the French alliance. In order to effect this, the doctor, at the desire of the ministry, made two journies to Madrid. The negociation indeed failed; but the ministers were satisfied with his conduct; and his majesty expressed his approbation of it, and always mentioned Dr. Hussey with regard.

On the settlement of Maynooth college, the doctor was appointed its first president; and was afterwards instituted to the catholic see of Waterford. About this time, the ferment, which was followed by the Irish rebellion, began to appear. Dr. Hussey addressed to his flock a pastoral letter,—some passages of which gave offence. *Mr. Plowden's Historical Review\**, contains this address; with two letters from Mr. Burke to Dr. Hussey upon it, expressing a clear opinion, that the doctor's letter was unobjectionable. Offence, however, was taken; and the doctor removed from the presidency of Maynooth. This, and the coolness, which, in consequence of the

\* Vol. iii. p. 284.

ministerial displeasure, Dr. Hussey experienced from some, who should, he thought, have treated him more kindly, pressed upon his spirits; and he closed a long and useful life,—much loved and much respected,

————— with a sigh, to find

Th' unwilling gratitude of low mankind.—POPE.

18. A style of preaching very different from that of Dr. Hussey, has been adopted by *the reverend James Archer*. It has been *his* aim to satisfy reason, whilst he pleased, charmed and instructed her; to impress upon the mind just notions of the mysteries and truths of the gospel; and to show that the ways of virtue are the ways of pleasantness, and her paths the paths of peace. No one has returned from any of his sermons, without impressions favourable to virtue; or without some practical lesson, which, through life, probably in a few days, perhaps even in a few hours, it would be useful for him to remember. When we recollect, that this is the fortieth year of Mr. Archer's predication; that he has preached oftener than fifty-two times in every year; and that, in the present, his hearers hang on all he says, with the same avidity as they did in the first, we must think it difficult to find an individual, to whose eloquence, religion has, in our times, been so greatly indebted.

We should also find it difficult to name one, who has been more instrumental in removing, from protestant minds, their general prejudices against the communicants with the see of Rome. To almost every protestant library, and to many a protestant toilet, Mr. Archer's sermons have found their way. What better missionaries to enlighten, or to conciliate general good-will, can the

19. The *sermons* of Mr.

*John Fletcher*, the roman-

catholic pastor at Weston Underwood, are entitled to the highest praise; the first volume, particularly, deserves the perusal of every protestant, and every catholic, who thinks seriously on the subject of religion. The sermons contained in it are less calculated for the pulpit than the closet; *there*, whoever peruses them seriously, will be equally charmed with their mild, unambitious eloquence, their pure morality, and their persuasive reasoning. Such, we may suppose, was the eloquence, the morality, and the reasoning of St. Francis of Sales. To these sermons, Mr. Fletcher had precluded by his *Essay on the spirit of Controversy*. He has lately published a *Translation, accompanied with Notes, and an ingenious Preface, of Bossuet's Exposition of Faith*. Both these works, every English catholic must wish to see in the hands both of the advocates and adversaries of his cause.

20. *Homilies on the Book of Tobias*,—in a series of *Instructions*, have been recently published by the reverend Francis Martyn. They are excellent,—abounding in instruction, and expressed with elegance and perspicuity.

The writer has singular satisfaction in communicating to his readers, that the Roman pontiff has recently conferred singular marks of his favour on three ecclesiastics mentioned in these pages. By a diploma, dated the 24th of last August, and addressed to *Mr. Lingard*, after noticing his diligent and useful discharge of missionary duty, his exertions, during a period of fourteen years, in the education of youth in the catholic college at Ushaw, his learned works, his defence of the holy see, and the general esteem in which he is held by the English literati, his holiness honours him with the triple academic laurel,—the



degree of doctor in divinity, in civil, and in canon law :

By a diploma of the same date, addressed to *Mr. Fletcher*, after noticing his missionary merit, his virtues, talents and excellent sermons, his holiness confers on him the degree of doctor in divinity :

By a diploma of the same date, addressed to *Mr. Archer*, after noticing his labours in the vineyard of the Lord, in the discharge of the sacerdotal duties of a preacher, a missionary, and vicar-general of the London district, his holiness confers on him the same degree :

And by another diploma of the same date, addressed to *Mr. Gradwell*, the agent at Rome of the English secular clergy, and president of their college in that city, his holiness acquaints him that the integrity of his life, his learning, probity, zeal, and meritorious discharge of his duties, as president of the English college and agent of the clergy, has induced his holiness to distinguish him by the favours of the holy see ; his holiness therefore confers on him the degree of doctor in divinity.

## CXVIII. 2.

*Poets.*

1. MAY the writer premise a suspicion, which, from internal evidence, he has long entertained, that *Shakespeare* was a roman-catholic?—Not one of his works contains the slightest reflection on popery ; or any of its practices ; or any eulogy on the Reformation. His panegyric on queen Elizabeth is cautiously expressed ; while queen Katharine is placed in a state of veneration ; and nothing can exceed the skill, with which Griffith draws the panegyric of Wolsey. The eccle-

siastic is never presented by Shakspeare, in a degrading point of view.—The jolly monk, the irregular nun, never appears in his drama. Is it not natural to suppose, that the topics, on which, at that time, those who crminated popery, loved so much to dwell, must have often attracted his notice, and invited him to employ his muse upon them, as subjects likely to engage the favourable attention, both of the sovereign, and the subject? Does not his abstinence from these justify a suspicion, that a catholic feeling withheld him from them? Milton made the gunpowder conspiracy the theme of a regular poem\*: Shakspeare is altogether silent on it. This conjecture acquires additional confirmation from the undisputed fact, that John Shakspeare, the father of the poet, lived and died in communion with the church of Rome†.

2. Our readers will peruse with pleasure, “*St. Peter’s Complaint, and other Poems, by the reverend Robert Southwell, reprinted from the edition of 1595, with important additions from an original manuscript; and a sketch of the author’s life; by Mr. Jos. Walter, late of St. Edmund’s College. Keating, Brown and Co.*” By a note prefixed to it, the editor informs his readers, “that, should that republication meet with encouragement from the public, it is his intention, to make that volume the first of a series of ‘*Select*

\* In quintum Novembris, anno ætatis, 17.—He concludes it,

—— Quintoque Novembris,

Nulla dies toto occurrit celebratio anno.

† See his “last spiritual will, testament, confession, protestation, and confession of faith,” (in which he declares himself “*an unworthy member of the Roman catholic Religion,*”) in Reed’s Shakspeare, vol. iii. pp. 199, 205; or in Dr. Drake’s elaborate work on Shakspeare and his Times, vol. i. pp. 9—14.

“ *Beauties of catholic literature*,’—each volume to  
 “ contain an entire work of itself.” It is hoped that  
 the general body of English catholics will patronize  
 a work, which promises to do them great honour;  
 and to contain much pleasing and interesting matter.  
 From the account of Mr. Southwell, prefixed to his  
 works by the editor, it appears that he was a member  
 of the society of Jesus, and that, after an imprison-  
 ment of three years, he was executed, on the 21st of  
 February 1595, for no other crime, than the exercise  
 of his missionary functions\*? “ When the hangman,”  
 —says his biographer,—“ was for cutting the rope,  
 “ before he was dead, the gentlemen that were pre-  
 “ sent, cried out three several times, ‘hold! hold!’  
 “ For the behaviour of this servant of God, was so  
 “ edifying, in these, his last moments, that even those  
 “ of a different way of thinking, who were present at  
 “ his execution, were much affected with the sight.  
 “ After he was dead, he was cut down, bowelled and  
 “ quartered. Thus was cut off, in the flower of his  
 “ life, a man, whose virtues were worthy of his pro-  
 “ fession; and who, in point of talent, bade fair to be  
 “ one of the greatest literary ornaments of his age  
 “ and country.”—Sir Egerton Brydges, in his *Cen-  
 sura Literaria*, observes that, “ a deep moral pathos,  
 “ illumined by fervent piety, marked every thing

\* An elegant and interesting account of the life, virtues, suf-  
 ferings and execution of father Southwell, is given by father  
 Juvençi, (*Hist. Soc. Jesu*, lib. xiii. s. 3.) He mentions that the  
 reverend father was racked several times, and sometimes during  
 seven hours, without intermission, by the direction and under the  
 inspection of Topcliffe the pursuivant; that the circumstance be-  
 coming public, excited general indignation; and that Cecil,  
 caused Topcliffe to be confined, for having, as the minister al-  
 leged, exceeded his orders.—And see Topcliffe’s Letter, Strype’s  
 Ann. vol. iv. n. lxxxix; and Holt’s Letter, xcvi. p. 147.

“ Southwell wrote, either in prose or verse. There is  
 “ something singularly simple, chaste, eloquent and  
 “ fluent, in his diction on all occasions.”

The account, which, in a letter copied in the publication we have mentioned, father Southwell gives of the sufferings of the catholic priests in prison, must shock every humane reader. “ A little while ago,” says the reverend writer, “ they apprehended two  
 “ priests, who have suffered such cruel usages in the  
 “ prison of Bridewell, as can scarce be believed.  
 “ What was given them to eat was so little in quantity, and withall so filthy and nauseous, that the very  
 “ sight of it was enough to turn their stomachs. The  
 “ labours, to which they obliged them, were continual  
 “ and immoderate; and no less in sickness than in  
 “ health; for with hard blows and stripes, they urged  
 “ them to accomplish their tasks, how weak soever  
 “ they were.—Some are there, hung up whole days  
 “ by the hands, in such a manner that they can but  
 “ just touch the ground with the tips of their toes.  
 “ In fine, they that are kept in prison truly live in  
 “ *lacu miseriæ, et in luto fæcis*. *Psalm 39*. This  
 “ purgatory, we are looking for every hour, in which  
 “ Topcliffe and Young, the two executioners of the  
 “ catholics, exercise all kind of torments. But come  
 “ what pleaseth God, we hope we shall be able to  
 “ bear all in him, that strengthens us.”

This letter is dated the 16th of January 1590;—seventeen months after the memorable display of catholic loyalty, while England was threatened by the invincible Armada.

### 3. *Dryden*,—

The great high-priest of all the tuneful Nine,  
 as he is deservedly called by Churchill,—may

undoubtedly be claimed by the catholics.—Nor should it be forgotten, that, as soon as he became a member of their communion, he moralized his song; and atoned, by useful and serious works, for the licentiousness of his earlier muse. As a controversial poet, he is unequalled; and the catholic feels, with pleasure, that the ablest of controversial poems are written in the defence of catholicity.

4. *Pope*,—also belongs to the roman-catholics,—although he admitted into his writings some expressions, which the catholic cannot approve;—and although the system, on which the *Essay on Man* is built, may be irreconcilable with sound theology. He was seduced into the latter by *the all-accomplished St. John*. But, it is probable, that he himself was not aware of all its bearings and consequences. In the latter part of his life, he was regular in his attendance at divine service; and usually assisted at the celebration of the mass, in a private chapel of lady Peterborough. In his last illness, he was assisted by a catholic priest.—It appears from *Spence's Anecdotes*, that *Garth* and *Wycherley* were catholics.

5. *Crashaw* also,—and several of

The mob of gentlemen who wrote with ease,—*POPE*.

in the reign of Charles the second, were catholics. But it is needless to mention names, which the public has long since forgotten. It may, however, be added, that *Mr. Hamilton*, the author of the "*Braes of Yarrow*," one of the most beautiful ballads in the Scottish language,—and of several other poems, (published in a thin duodecimo volume), was a catholic. He is said to have died young.

6. We transcribe the following short biographical

memoir of the late rev. John Chetwode Eustace, from the Gentleman's Magazine, for the month of October 1815.—“ Recently died at Naples, of a  
“ fever, the rev. John Chetwode Eustace, the accomplished author of ‘The Classical Tour in Italy.’  
“ Few works of equal magnitude, and on a subject  
“ unconnected with the feelings or occurrences of the  
“ day, ushered into the world by no patronage, and  
“ written by a man till then known to a small circle  
“ only of friends, ever experienced so rapid a diffusion, or acquired to the author so sudden and extended reputation. His acquaintance was sought  
“ by almost all persons in this country, distinguished  
“ by rank and talents; and their expectations of  
“ pleasure and profit from his society were more than  
“ equalled by the amenity of his manners. Dignified  
“ without pride, cheerful without levity, in his intercourse with the world he never for a moment lost  
“ sight of his sacred character or its duties, which he  
“ fulfilled without ostentatious display or affected concealment. Although his Tour in Italy exhibits  
“ not only his extensive acquaintance with classical  
“ and polite literature, but his cultivated and refined  
“ taste, yet the spirit of christian morality and christian benevolence which breathes in every page, is  
“ perhaps its most striking feature; and the same  
“ gentleness and candour are conspicuous in his controversial writings. His Answer to the Charge of  
“ the Bishop of Lincoln is remarkable for strong argument, and for freedom of discussion untinctured  
“ by acrimony. His acquirements as a polite scholar, and the elegance of his style, are well known to  
“ the numerous readers of his published works. His  
“ friends alone know that his poetical talents were

“ of a high order. He had made considerable pro-  
 “ gress in a didactic poem on the culture of the  
 “ youthful mind, which diffidence alone had pre-  
 “ vented him from finishing, but which, in the opinion  
 “ of those who had seen it, and who were well qua-  
 “ lified to judge of its merits, would have added  
 “ much to his already high reputation. Amidst his  
 “ other pursuits, he had deeply studied the English  
 “ constitution, and none could more warmly admire  
 “ or strongly feel its excellence. His political senti-  
 “ ments were those of the men designated by the  
 “ title of Old Whigs; equally abhorrent of the de-  
 “ basement of arbitrary sway, and the wild uncurbed  
 “ wanderings of democratic fanaticism.”—

“ To the preceding well-drawn characer, written  
 “ on the spur of the occasion by an intimate friend  
 “ of the excellent man whom it commemorates (him-  
 “ self approved by the public voice as a scholar and  
 “ an antiquary) we have at present little to add.  
 “ Mr. Eustace, it is well known, was a member of  
 “ the Romish church; but such a member as com-  
 “ manded the respect, and even the affection, of  
 “ persons of the most discordant religious senti-  
 “ ments. *O si sic omnes!* He would have done  
 “ honour to the most rational and enlightened system  
 “ of religious faith.

“ In our account of his ‘ Classical Tour through  
 “ Italy,’ some interesting traits of his character and  
 “ opinions may be discovered. In that tour (which  
 “ was performed in 1802) he was accompanied by the  
 “ present Lord Brownlow, Robert Rushbrooke, esq.  
 “ and Philip Roche, esq. (since deceased).—In June  
 “ 1814, he accompanied lord  
 “ Carrington in an excur-  
 “ sion to Paris; and a short  
 “ time after appeared his

“ ‘ Letter from Paris,’ in which he gave a very in-  
“ teresting description of the French capital, its  
“ public buildings, and the works of art collected  
“ there, accompanied with critical observations and  
“ remarks on the state of society and the moral cha-  
“ racter of the French people.

“ From the specimens of his literary talent already  
“ before the public, it is much to be regretted that  
“ he had not commenced author earlier in life. The  
“ cause of this is to be attributed partly to the native  
“ modesty of his disposition, and, perhaps too, to an  
“ unconsciousness of his own powers.

“ Two small anonymous publications we are en-  
“ abled on the best authority to appropriate to his  
“ pen. 1. ‘ A Political Catechism, adapted to the  
“ present moment, 1810,’ 8vo. (pp. 44.) This work  
“ is divided into three chapters, treating of govern-  
“ ment in general, of the government of England,  
“ and of the state of parties. It is written in the  
“ spirit of a legitimate Whig, and affords a concise  
“ but luminous illustration of the principles from  
“ which our happiness and prosperity, as a nation,  
“ are to be derived.—2. ‘ The Proofs of Chris-  
“ tianity, 1814,’ 12mo. (pp. 48); compressed within  
“ a small compass, and explained in plain easy lan-  
“ guage, in the interrogatory form. The chief argu-  
“ ments in proof of Christianity are here arranged  
“ and examined under twelve heads: Prophecy,  
“ Miracles, the preaching and style of the Apostles  
“ and Evangelists, the sublimity of the Christian  
“ doctrine, the purity of Christian morality, its effi-  
“ cacy in the reformation of mankind, the testimony  
“ of the martyrs, the conversion of mankind, the  
“ perpetual duration of the Christian church, the



“ immutability of the Christian doctrine, the accom-  
 “ plishment of the predictions of the Gospel, the  
 “ fate of the Jews. In this valuable tract technical  
 “ expressions and controversial allusions are avoided;  
 “ and it is well calculated, as the pious author in-  
 “ tended, to promote the general cause of Chris-  
 “ tianity.”

## XCVIII. 3.

*Historians.*

1. AT the head of these we must place “ *The  
 “ Church History of England, from the year 1500  
 “ to the year 1688, chiefly with regard to Catholics,  
 “ Brussels, 1737,” three volumes folio, by Mr. Dodd,*  
 formerly the catholic pastor at Harvington, a seat of  
 the Throckmorton family in Worcestershire. “ In the  
 “ compilation of this work,” says Mr. Berington\*,  
 “ he spent almost thirty years. It contains much  
 “ curious matter, collected with assiduity, and many  
 “ original records. His style, when the subject ad-  
 “ mits expression, is pure and unencumbered; his  
 “ narration easy; his reflections just and liberal.  
 “ I have seldom known a writer, and that writer a  
 “ churchman, so free from prejudice and the degrad-  
 “ ing expressions of party zeal.” The answerer of  
 the Memoirs of Panzani is far from admitting the  
 impartiality, ascribed by Mr. Berington to Dodd.  
 But all must allow that, at the time, in which Dodd;  
 executed his compilation, few writers, on catholic  
 affairs, possessed in a greater degree, than Dodd,  
 that absolute impartiality, which is the essential qua-  
 lity of an historian.

\* In his preface to the Memoirs of Panzani, p. 17.  
 G G 2

The attention, which in the composition of these pages, the writer has given to Dodd's history, has increased his opinion of the value, the importance and the impartiality of his work. Mr. Kirk, the catholic pastor at Lichfield, is now preparing a continuation of it to the present times. A work more interesting to the catholic body;—or a person better qualified to do it justice, could not have been selected.

Remarks on Mr. Dodd's Church History were published under the title of "A specimen of amendments, candidly proposed to the compiler of a work which he calls, The Church History of England, from the year 1500, till the year 1688. 8vo. by Clerophilus Alethes, 1741." To this Mr. Dodd replied by "An Apology for the Church History of England, from 1500 till 1688; printed in the year 1737; being a reply to a quarrelsome libel, intituled, A specimen of Amendments, &c. Under the fictitious name of Clerophilus Alethes, 8vo. 1742."

Of Mr. Dodd's work, the following account has been given by the accurate Mr. Chalmers. "Having had repeated occasion to consult it, we are ready to acknowledge our obligations for information derived from this history, which cost the author the labour of thirty years. His materials are perhaps not well arranged, and he was himself, we are told, so dissatisfied, as with his own hand to copy this voluminous work into two or three different forms. This history," (Mr. Chalmers adds), "remained for many years almost unknown, and we can remember when it was sold almost at the price of waste paper. Its worth is now better ascertained, and the last copy offered for sale, belonging

“ to the marquis Townshend’s library, was sold for “ ten guineas\*.”

2. Long before the appearance of this history, an historical work, to which we have often referred, had been published by Dr. *Pattenson*, physician to Charles the first, intituled, “ *Jerusalem and Babel, or the Image of both Churches; being a treatise, historically discussing whether Catholics or Protestants be the better Subjects; by P. D. M†.*” 8vo. “London: 2d edit. 1653.” In a short compass, it comprises much useful information, and many excellent observations, arranged methodically, in a style always perspicuous, and generally elegant. A new edition of it, enlarged by references and subsidiary illustrations, would be a very valuable present to the English catholics.

3. *Mr. Hooke*, the author of the *Roman History*, in four volumes, quarto, 1738;—perhaps the best modern history of that interesting people,—was a catholic.—His son was librarian of the Sorbonne. Having, in that capacity, signed the approbation of a thesis, in which some infidel doctrine was insinuated, he fell into disgrace, and was removed from his office. He made it quite clear, that he had approved of the thesis, as a matter of form; and without having read it; and that such, for many years, had been generally the case, in regard to such approbations. His apology was not received. To wipe, therefore, this stain away, he published his *Religionis Naturalis et Revelatæ Principia*; 3 vols. 8vo. Paris, 1714; a work, held in the highest esteem on the continent;

\* Chalmer’s *Biographical Dictionary*, vol. xii. p. 147.

† i. e. Pattenson, Doctor Medicinæ.

and which deserves to be generally known and read in England.

4. Another historic effort of a catholic pen, was the "*Life of Cardinal Pole*," by the reverend Mr. Philips, canon of Tongres. It is the work of a gentleman and a scholar. The history of the times occupies a considerable portion of it, but is always made subordinate to the principal figure in the scene. It is perhaps impossible to mention a work, in which a biographical history, on this plan, has been more ably executed.

5. To Dr. John Milner, who was then catholic pastor at Winchester, but who has since been appointed vicar-apostolic in the midland district, we owe a learned and interesting "*History of Winchester*," now in its second edition. All our antiquaries assign to it a very high place among the topographical histories of their country; and the catholics feel particular obligations to him, for having availed himself of every opportunity of exposing the general groundlessness of the accusations, brought against the members of their communion, on the subjects, which fell under his consideration. On these occasions, he frequently exposes the errors of Hume. The same is done by the author of the Anglo-saxon history, mentioned in a following page. This continual inaccuracy of Hume has been frequently observed by the writer, in preparing this compilation. Countless, as may be the beauties, which Gibbon ascribes to Hume, he certainly has no claim to praise, for that minute and persevering attention to facts and dates, which is a primary duty of an historian.

The History of Winchester was followed by Dr.

*Milner's "Letters to a Prebendary, being an Answer to Reflections on Popery, by the reverend J. Sturges, LL.D. Prebendary and Chancellor of Winchester, and Chaplain to his Majesty; with Remarks on the opposition of Hoadlyism to the Doctrines of the Church of England; and on various publications, occasioned by the late Civil and Ecclesiastical History of Winchester, 1800," 4to.* The service, which this work has rendered to the catholic cause, is very great. The writer of these pages acknowledges with pleasure and thanks, the use which it has often afforded to him in this compilation. The Letters to a Prebendary are now in the sixth edition.—The Irish catholic and the man of letters are equally obliged to Dr. Milner, for his *"Inquiry into certain vulgar opinions concerning the Catholic Inhabitants, and the Antiquities of Ireland, in a series of Letters from thence, addressed to a protestant gentleman in England."* 8vo. 1808.—He has recently favoured the public with *The End of Religious Controversy*, a polemic work of no ordinary power.

6. To Mr. Joseph Berington, the public is indebted for several historical works. *"The History of Abeillard and Eloisa;" "The History of Henry the Second;"* and *"The History of the middle Ages;"* are, all of them, works of a vigorous and discerning mind; stored with useful, curious and extensive learning. His *"State and Behaviour of the English Catholics,"* published in 1780,—his *"Memoirs of Panzani,"* published in 1793, and the *Answer to the last of these works by Mr. Charles Plowden*, in 1790, have been repeatedly cited in the course of this work. The writer here gratefully acknowledges his obligations to them.

7. Dr. Lingard's work, intituled, "*Antiquities of the Anglo-Saxon Church*," is a valuable accession to catholic literature. It is the production of taste, learning, science and philosophy;—but of that philosophy, which religion brings from heaven. "Every intelligent reader," said the writer of these Memoirs, in the first edition of them, "will hear with pleasure, that we may soon expect, from the same learned, enlightened and religious pen, a "*History of England from the Invasion of Julius Cæsar, to the Accession of the House of Tudor*." Let it be hoped that he will continue it to the present time. We predict, that it will be found a most important acquisition, both to English history and English literature." Four volumes of it have now appeared, and have justified this prediction; it is admitted that no history has been written with greater care, fuller investigation of original documents, more discernment, or better taste. The fourth volume brings down the history of England to the reign of queen Mary.

8. Mr. Plowden's "*Historical Review of the State of Ireland, from the Invasion of that Country, under Henry the Second, to the Union of Great Britain*," in 2 vols. generally bound in three, was published in 1803. It is an invaluable repository of useful fact and observation, and is the only work that gives a true picture of the injury and oppression, which the catholics of Ireland have suffered from this country. Considering the short space of time, in which the author executed this work, it is a surprising performance, and displays great ability. Two events in Irish history,—the massacre in 1641, and the Irish remonstrance, should be elucidated. Dr. Curry, in his

“*Historical Review of the Civil Wars in Ireland*,” throws great light on the former; and proves to demonstration, that, in the crimination of the catholics on this subject, there has been great exaggeration.

7. Among the apologists of the principles and conduct of our ancestors, none have shown greater ability or judgment than *Roger Palmer, created earl of Castlemain* by Charles the second. He took a lead in all the councils of the catholics during that reign. In 1666, he published “*The Catholic Apology*,” which we have inserted in a preceding part of these *Memoirs*\*. We have mentioned that an answer to it was published in 1667, by Dr. Lloyd, afterwards bishop of St. Asaph, with this title,—“The late Apology on behalf of the Papists reprinted and answered, London, 4to.” The doctor divides the Apology into paragraphs, and, at the end of each, inserts his answer to it. In 1668, lord Castlemain republished his “Preliminary Discourse” and “Apology,” with “A reply to the Answer, together with a clear refutation of the *seasonable Discourse*, its *reasonable Defence*, and Dr. Du Moulin’s *Answer to Philanax*, as also Dr. Stillingfleet’s last *Gunpowder Treason Sermon*, his *Attack upon the Treaty of Munster*; and all matter of fact charged on the English Catholics by their Enemies. By a Person of Honour, 8vo.” This “Answer” has been sometimes confounded with “The Apology,” and cited for it. Both the Apology and the Defence are very scarce; this is much to be lamented, as they contain a full, argumentative and eloquent justification of the

\* Vol. iii. p. 47.—The note of an anonymous writer, transcribed by us in this place, which attributes “The Apology” to a Dr. Pugh, seems to be entitled to no credit.

roman-catholics, on every point upon which the integrity of their moral, civil, or political principles has been questioned : it is greatly to be desired that a new edition of them were published.—May the writer be permitted to express a wish, that “The Apology” and “The Defence” of it were publicly read, once in every year, in all the catholic schools where youths are educated in the higher classes of humanity.—Dodd cites a work of the earl, intituled, “*The Compendium*, or a short view of the late Trials “in relation to the present Plot against his Majesty “and Government. London, 4to. 1679.” The writer has not been able to procure a sight of this publication. His lordship was tried for high treason, upon the part which he was alleged to have taken in Oates’s plot, on the testimony of Oates and Dangerfield ; and brought such convincing proofs of the infamy of the characters of both, and showed such palpable falsehoods and contradictions in their evidence, that the jury found him “not guilty,” and the verdict was received with acclamation. In the reign of James the second, his lordship was distinguished on several occasions, and particularly on the embassy to Rome, which we have noticed. Almost immediately after the Revolution, he was committed to the Tower, and interrogated before the house of commons. He answered with great firmness and presence of mind, and was remanded to the Tower on a charge of high treason, for “endeavouring to reconcile the kingdom to the church of Rome ;” but the inquiries to which the investigation of the charge appeared to lead, were found to involve so many persons of distinguished rank, and among the most popular characters of the day, that it was judged



prudent to drop the prosecution altogether, and his lordship was accordingly released. From this time he led a retired life in Wales; his daughter, and only child, married lord Dacre, afterwards created earl of Sussex.

## XCVIII. 4.

*Lawyers.*

IN the times to which these pages relate, the English catholics derived great advantage from those members of their communion, who were eminent in the profession of the law. The personal consideration which they acquired, contributed powerfully to remove much of the national prejudices against their brethren in faith.

1. The first of these was *Mr. John Austin*.—In his profession, he was highly regarded.—He published several works on the concerns of the catholics. The most popular of these, was his *Christian Moderator*, in three parts. He frequently attacks, in it, the doctrine of the pope's deposing power. The work, by which he is best known, is his *Devotions in the form of ancient Offices*. It has been frequently republished. An edition of it was published by the celebrated Dr. Hicks, for the use of his protestant congregation. From the publisher of this edition, it is generally known, among protestants, by the name of *Hicks's Devotions*. Mr. Austin was also the author of *The four Gospels in one*, in short chapters, with a verse, and prayer, at the end of each,—an useful work, deserving to be reprinted and generally read.

2. In his professional eminence, he was succeeded, and surpassed, by *Mr. Nathaniel Piggott*. This gentleman was called to the bar in 1688. The

statute of 7th and 8th of William, interdicted the bar to the catholics ; so that, after Mr. Piggott, no catholic was called to the bar, till 1791, when it was again opened to them. For several years, Mr. Piggott practised as a chamber-counsel. In the conveyancing branch of the law, his eminence was undisputed. Several of his manuscript opinions show his profound learning. He left a manuscript *Treatise on Recoveries*, which was published, after his decease ; and has not been superseded, by the valuable treatises on the same subject, since published by Mr. Cruise and Mr. Preston.

3. His successor in eminence, in the same branch of the law, was *Mr. James Booth*,—acknowledged to be the father of the modern practice of conveyancing. He was not the author of any work ; but his written opinions were given, at great length, and are very elaborate. They are held in great esteem ; and always mentioned at the bar, and from the bench, with great respect. The copies of them are numerous ; and, in the work, intituled “ *Printed Copies of Opinions of eminent Counsel*,” several of them found their way to the press.

4. When Mr. Booth was on the decline, *Mr. Duane* rose to considerable eminence ; respectably skilled in his profession, and singularly industrious. He was the editor of *Mr. Fitzgibbon's Reports* ; and supplied the publisher of Bacon's *New Abridgment*, with the article, “ *Common*.” He was a polite scholar ;—of acknowledged taste, in painting and music ; and the most skilful medallist in England. His collection of medals was famous over Europe. He sold his cabinet of Syriac medals to Dr. Hunter ; by whom it was bequeathed to the university of

Glasgow. He had engravings made of several of his medals, and of some drawings by the late Mr. Hussey of Marnall. He paid the artists, whom he employed, with great liberality.

Mr. Hussey, whom we have just mentioned, was a painter of some eminence, but failed in his colouring; he attained in design, great celebrity, and might have reached the summit of his art, if he had not bewildered himself in fanciful speculations, on the triangle, and its visible and invisible perfections.

Other artists of eminence were catholics: among them we may mention *Mr. Scheemacker*, to whom the public owes the beautiful bust of Shakspeare in Westminster Abbey; and *Mr. Moore*, the sculptor of Mr. Beckford's statue in Guildhall.

Several other English catholics, during the period embraced by these pages, cultivated literature and the polite arts, with success.—It is hoped that the imperfection of the preceding outline will be supplied by some person, better qualified than the present writer, to do justice to the subject. Of the defect of his attempt, none of his readers can be more sensible than the writer himself.

#### XCVIII. 5.

##### *The Sacred Music of the English Catholic Church.*

1. HAVING mentioned the success of the English catholics in polite literature and the polite arts, their sacred music may be slightly noticed. *Dr. Arne*, the greatest of English musicians, (at least, if we except Purcel), was a roman-catholic. His music for *Comus* and *Artaxerxes* has always enjoyed public favour. His ballads, containing an agreeable mixture of Italian, Scottish and English melody, have

not been surpassed, and seldom equalled. He composed for the choir of the Sardinian ambassador, two masses,—one in four, the other in three parts;—the latter did not please. The former was exquisite; it is, what all church music should be, solemn and impressive; the harmony, correct and simple; the melody slow and graceful. Unfortunately, the thinness of the catholic choirs, in those times, made them drop the contra-tenor and tenor parts, and sing only the canto and base. This entirely spoiled the beauty of the composition.

2. The late *Mr. Samuel Webbe*, a distinguished composer of serious glees,—and though not the first, certainly in the very first line of that scientific and pleasing branch of music, is father of the modern English school of catholic church music. In addition to his profound musical skill, he acquired a respectable degree of knowledge of the French, Italian, Latin, Greek and Hebrew languages. He was such a master of the Italian language, that once on an emergency, he performed the part of Mengotto in the *Buona Figliuola*; and so well versed in the Hebrew language, that the rabbi Uzzielli mentioned to the writer, that he never knew a gentleman, who had acquired so perfect a pronunciation of that language, according to the vowel points. On the writer's expressing his surprise to Mr. Webbe, at his having acquired so much extraneous knowledge, notwithstanding the great professional demand on his time, he answered, that it was “by a rigid observance of rules,—never to let a bit or scrap of time pass unemployed,—and, whatever he did, to fix his whole mind upon it.”

3. During the short reign of James the second,

*Signor Bassani* was the maestro di capella of the catholic service of the chapel royal : he composed two volumes of motets for single voices ; two of these motets, “ *Aligeri Amores*,” and “ *Quid Arma, Quid Bella*,” were frequently sung in private concerts, till the middle of the last century.

4. *Mr. Defesch*, the organist of the Venetian ambassador, was eminent in his time ;—and, from an oratorio which he composed, *Mr. Barbant*, an Hanoverian, the organist of the Bavarian ambassador, acquired a temporary celebrity. After this, the music of the catholic choirs fell to the lowest possible state. It was revived by *Mr. Webbe* ; but, having generally an imperfect choir to execute his compositions, he seldom struck the higher chords.

5. Some of the finest services of Haydn and Mozart, and recently a service composed by signor Garçia, and rivalling both the exquisite elegance and entrancing pathos of Pergolesi, are now excellently performed at the Bavarian chapel. Even in this era of musical excellence, it may be doubted whether those who have not attended that service, performed as it was by *Begrex Garçia* and the *Naldis*,—have heard the most perfect singing which England possesses. It may be added, that for perfect organ accompaniment, a catholic may confidently stake *Mr. Novello*, the organist of the chapel of the Portuguese ambassador, against all England\*.

\* See the writer's *Letter to Mr. Edward Jerningham on ancient and modern Music*.

Strange, as it may seem, religious prejudice and animosity have found a way even into tweedle-dum and tweedle-dee. “ There seems,” says Dr. Burney, (*Hist. of Music*, vol. iv. p. 589), “ an unwillingness in the protestant states of Germany to allow due

But with great veneration for the excellence, both of the composers and performers of these sacred strains, the writer has no hesitation in expressing a decided wish that the ancient GREGORIAN CHANT was restored to its pristine honours.

It is probable, that the church received its music from the synagogue. Of the Greek music we have but little knowledge. The only qualities of it, which we know with certainty, are, that it was governed by rhythm, and that quarter-tones made a part of its regular vocal scale. Now rhythm finds no place in the Gregorian chant, nor did quarter-tones ever obtain admission into it. This seems to negative the notion that the Gregorian chant is of Greek extraction, and renders its Judaic origin more probable. From the attention which St. Ambrose, the archbishop of Milan, paid to the musical service, it was called the Ambrosian chant: Pope Gregory the great improved on it, and from him, it acquired the appellation of the Gregorian chant. It consists of eight tones: four are called authentic; four are said to be plagal; the introduction of these is the improvement supposed to have been made on the Ambrosian chant, by St. Gregory. The authentic tones are confined to an octave; the plagal ascend from the higher octave note to the fourth above.

“praise to the musical works and opinions of the catholics; and,  
“on the contrary, the catholics appear equally unwilling to listen  
“to the musical strains of the protestants.”

Nothing of this whimsical prejudice is discoverable in England: catholics hear with equal pleasure or equal indifference the protestant compositions of Handel, Purcel and Beethoven, and the catholic compositions of Pergolesi, Haydn and Mozart; the protestant strains of Billington, Bartleman and Harrison; and the catholic strains of Pacchierotti, Mara and the Naldis.

The plagal tones suggested fugue and reply, the essence of modern music.

A practical knowledge of the ecclesiastical tones is easily acquired; the theory of them may be said to have hitherto, in a great measure, eluded discovery. The chants of the psalms are very simple, yet the changes of chords in them imply a modulation, sometimes natural, sometimes learned, but always pleasing. This leads to a subject, not yet fully investigated, though very curious, whether a composer of simple melody, but ignorant of harmony, is, in any manner influenced, unknown to himself, by what we should consider its proper base accompaniment.

If Guido Aretino did not invent, he certainly gave fashion and currency to the gamut, and to descant, or music in parts. The Flemish musicians improved it: but, in their hands, it became complicated; their compositions, therefore, however they might satisfy the eye, did not please the ear. So much was this the case, that to furnish something, which should attract the ear, they often, even in church music, made a known secular or ecclesiastical air, serve as a ground for an elaborate superstructure of three, four, and sometimes five parts. The bold (they may be even called elegant) innovations of Palestrina, introduced melody into this species of composition; a person accustomed to counterpoint will always hear his superb *Exultabo* with delight;—still, all such music is caviar to the multitude. The same may be nearly said of the motets of Steffani,—(his motet *qui diligit Mariam*, is perhaps the finest piece for single voices, existing in any language),—and of the fine cathedral anthems of the English established church. Sacred music in the modern Italian style is more pleasing; but it is

little calculated to promote devotion, the only legitimate object of music composed for the church.—*There*, let that music, and that music only be performed, which is at once simple and solemn, which all can feel, and in which most can join. Let it be strictly confined to pure melody; let the congregation be taught to sing it in exact unison, and with subdued voices; let the accompaniment be full and chaste, never overwhelm the voice; and, if it can be managed, in chanting the psalms, let the trebles and tenors sing alternately:—In a word, let it be the Gregorian song, sung as it is,

“Where taste and Jerningham direct the scene.”

*Album at Cossey\*.*

\* Near Norwich:—The seat of the most revered and most amiable family of Jerningham.

Surely justice will at length be done to their claim to the Stafford peerage!

We have noticed, in a preceding page, the trial and execution of the viscount Stafford, from whom sir George Jerningham, the actual claimant of the Stafford peerage, lineally descends. On the 25th of May 1685, about five years after it took place, a bill was brought into the house of lords, for reversing his lordship's attainder, on the ground of innocence. According to the journal of the lords for that day, the bill “was offered to the house, “by the king's allowance, and signed by his majesty.” On the fourth of June, the bill was read a third time and passed.—In the preamble, it is said to be, “then manifest, that the viscount “was innocent of the treasons, laid to his charge; and that the “testimony, on which he was convicted was false.” On every day, upon which the bill was under discussion, there was a very full attendance; ninety-eight peers, including eighteen bishops, attending and assenting. It was read twice, in the house of commons, and committed for the 12th of June 1685.—Here, unfortunately, the proceedings closed. On the 13th, the king communicated to both houses, the news of the landing of the duke of Monmouth; and on the 2d of July, both houses by his command adjourned, and met no more, till their assembling at



And let it be accompanied by a Novello:—A service, thus performed, will excite the finest feelings of piety, promote rational devotion, and in time equally satisfy the scientific and the unlearned. Thousands quitted France to sing the psalms of

the Revolution. In the interval, the king created Henry Stafford Howard, the eldest son of the unfortunate viscount, an earl, and conferred the rank of countess on his mother, —describing her as *Mary, Baroness of Stafford, widow of William late Viscount Stafford*.—The patent of their creations has this remarkable preamble:—“ Seriously considering the misfortune, condition, “ and unhappy state of Henry Stafford, eldest son of William “ Viscount Stafford, who was impeached of high treason and “ convicted, and put to death on the testimony of oaths of cer- “ tain abandoned persons, as to all is now sufficiently manifest, “ of whom one of them who was the leader, (Titus Oates), has “ been lately found guilty of perjury, and is yearly to undergo “ the punishment of so great a crime, and that he the aforesaid “ Henry is paternally born of the most illustrious and noble “ family of the Mowbrays and Howards, dukes of Norfolk, and “ maternally, of the most illustrious and most ancient race of “ the Staffords, dukes of Buckingham, great constables of Eng- “ land, through the marriage of Anne, daughter and heir of “ Thomas of Woodstock, sixth son of our most glorious ancestor “ king Edward the third, and duke of Gloucester and earl of “ Buckingham, with Eleanor, eldest daughter, and coheir of “ Humphrey de Bohun, earl of Hereford, Essex and Northamp- “ ton, and great constable of England.—We,” &c. &c.

It is observable, that, in the debates on the continuance of Mr. Hastings's impeachment, all parties, however differing in other points, agreed, that Oates's popish plot was an imposture; and that lord Thurlow called the execution of lord Stafford a legal murder. Surely every rule of national justice, every principle of national honour, every feeling of national or individual humanity, calls on the legislature for a reversal of his attainder. May it not be confidently asked, if, in the annals of this kingdom, there be a single instance of the reversal of an attainder, which approached nearer,—for it never can quite become,—a claim of strict right?

Marot : would any have quitted it to hear the psalms, though exquisitely beautiful, of Marcello ? If the evangelical sects gain so much on the establishment, is it not in some measure owing to the superior attraction of their music, and that a part in it is allowed to every one who will bear a part in it\* ?

\* Pope John the twenty-second † inveighs, in one of his decretals, against the musical vagaries, introduced in his time into the service of the church, particularly the lightness of the airs, the minute divisions of the notes, the repetitions of the words, and the singing of different words in the different parts of the harmony. He prescribed that the notes should never be less than the *breve* ; that they should be sung slowly ; that counterpart, or music in parts, should never be used except on great festivals ; and that, when it should be used, the same syllable should be sung, at the same time, by all the singers of the different parts. Mr. Southey, in his interesting life of the late Mr. John Wesley ‡, notices the great attention which that eminent man paid to the psalmody of his chapel. “ He especially enjoined,” says his biographer, “ that  
 “ the whole congregation should sing ; that there should be no  
 “ repetition of words, no dwelling upon disjointed syllables, and  
 “ that they should not sing in parts, but with one heart and voice,  
 “ in one simultaneous and uninterrupted feeling.—He wished  
 “ the service to be concluded within the hour.”

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† Extravag. Commun. l. iii. cit. 1. de Vitâ et Honestate Cler. cap. xi.

‡ Vol. ii. ch. 21. p. 223.

## A P P E N D I X.

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NOTE I.; referred to in p. 176.

*The Apologetical Epistle addressed by the Right Reverend Dr. William Poynter, Vicar-apostolic in the Southern District of the Catholics of England, to his Eminence Cardinal Litta, Prefect of the Sacred Congregation de Propagandâ Fide, against the Charges brought against him and the other Vicars-apostolic in England, by the Right Reverend Dr. John Milner, Bishop of Castabala, Vicar-apostolic of the Midland District of the Catholics of England; translated from the Latin Original, by the Author of the Historical Memoirs of the English, Irish and Scottish Catholics.*

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### I.

Most Eminent and Reverend Sir!

**W**HEN unwillingly and with sorrow, I present to your eminence a narrative, in some degree apologetical, of certain catholic transactions in England, which I have judged it necessary to prepare, it is my wish, in the first place, that your eminence should be persuaded, that, in writing it, I have been influenced neither by anger nor resentment against any of my beloved and venerable brethren: although, for the sake of truth and justice, I have been obliged, in defending the authority and character of my brethren and myself, and in refuting the ill-conceived opinions formed of our councils and actions, and even the erroneous expositions of facts, to deny the truth of the charges brought against us. Certainly, in executing the duty thus imposed on me, I am

most sure, that not even a shade of an angry mind lurks in my breast, inasmuch as, from the inmost feeling of my soul, I have for the sake of Christ our Lord, long forgiven the injuries, which have personally affected me and my individual character.

But, while my beloved and venerable colleagues, the vicars-apostolic in England, as well as myself, are beyond all doubt, placed in a situation which makes us feel, that, to the detriment both of ourselves and of the religion, of which we are the protectors, not only a heavy injury has been brought, but an unexpected wound has been inflicted upon our authority and reputation, which both as bishops and as vicars of the supreme pontiff, we are bound, by indispensable necessity, to uphold and defend with all dignity,—we have judged it to be no longer allowable to persevere in that silence, which, solely for the love of peace, has been observed in England up to this time. We have also thought it our duty to expose and present to the sacred congregation *De Propagandâ Fide* all the charges against us, which have come to our knowledge, together with our answers, supported by proper proofs of their truth; to show that all these charges have been and are made without reason. In adopting this method, we most earnestly urge by our entreaties, that such a sentence may be pronounced by the holy see, as will make it manifest to our respective flocks, that we have performed, in their regard, all the duties of good shepherds, under the supreme shepherd, Christ our Lord, with the greatest care, and in every thing; and that we have deserved some mark of the approbation of Pius the seventh, the visible vicar of Christ, the most illustrious shepherd of the flock upon earth, the successor of St. Peter, not only on account of our filial devotion towards his sacred person, our profound reverence towards the holy see, which he fills with so much dignity and renown, and our most humble sub-

mission to the supreme authority, which he exercises ; but also on account of the fidelity, with which we have discharged a most weighty office, which he has conferred upon us, his vicars ; and on account of the zeal, with which we have endeavoured to sustain the dignity and authority of the episcopal character. Finally, to the sacred congregation we appeal,—not as men injured by men, and therefore seeking satisfaction, with the feeling of a resenting mind, but as bishops, and as representatives of the chief pastor, and who, in that character, have been assailed and wounded, by injurious, factious and false accusations. And, with every affectionate sentiment of charity, and for the cause of religion, we pray that the integrity of our character, which has been thus injuriously affected, may be restored.

I cannot doubt, even for a moment, that, among the vouchers and documents which I have delivered with my narrative, the most ample proofs will be found, by which the falsehood of all the charges brought against my colleagues and myself,—at least the falsehood of all those, which are known to us, will be demonstrated. This also I think should be observed, that, while I stay at Rome, I profess myself to be the advocate both of our catholic clergy and laity in England, whom I see injured in common, but particularly those who belong to the London district. It would be most hard indeed, and ill accord with the religion of the holy see, that any evil report of catholics, so attached to the holy see, such followers of christian piety, so full of devotion towards the holy father, should, without the most evident proofs, be listened to at Rome. For I know that many false charges have been made against us, to the sacred congregation, which I hope I have refuted in the most ample manner. Now, therefore, I most earnestly entreat, and shall never cease to solicit, that, if any accusations, besides those to which I have answered,

have been carried to the sacred congregation against my beloved and venerable colleagues, myself, my clergy, or the faithful of any of our districts, particularly that of London, the same may be immediately communicated to me, that I may, as I trust I shall, refute them to the entire satisfaction of the sacred congregation.

I will begin with the charges which have been brought against us all, on account of the fifth resolution of the English catholics. I will give the history of it, and explain, in an analytical way, all those things, which will render our defence a demonstration clearer to every one than noon-day light. Nothing shall be said, that shall not be supported by proof. Each proof will be produced when required; for if all the proofs were presented in the work itself, the task would be too laborious. I will draw up, at the end of the writing, an index, for the better understanding of it\*.—Come forward, then, most eminent man, and, according to your wisdom, justice and religion, judge, whether any person should quarrel with any of our actions; and listen to, receive, and graciously hear the petitions and wishes of all the English hierarchy, for that decision, for which we are all looking out, from the sacred congregation.

\* The proofs and index, to which the right reverend prelate refers in this place, accompany the original, but were not in the possession of the gentleman from whom the editor received the copy from which he published it; great care has been taken to make the translation as literal as possible; the notes are added by the editor. ED.

Many of the proofs are taken from the very frequent insertions by Dr. Milner in "*The Orthodox Journal, and Catholic Monthly Intelligencer*." The doctor (Vol. i. p. 93.) styles it "a periodical work of considerable ability, orthodoxy and independence,"—and he contributed largely to it.—In a letter to the *propaganda*, the pope blames him for these contributions; and calls the journal "an impudent publication, which incessantly slanders the great, the wise, and the good, both in and out of England."

*An analytical History of the Fifth Resolution of the English Catholics.*

1. Towards the end of the year 1809, the English catholics prepared a petition to be presented to the parliament of Great Britain, for the purpose of obtaining a participation of civil rights, and a free and public exercise of their religious worship. One thing, among the rest, they particularly prayed for,—that catholic soldiers might be exempted from the punishments, to which they are made liable by law, if they decline to attend, on Sundays, the protestant worship; and that catholics in general might obtain a civil and legal validity to their marriages, without their being obliged to celebrate them before a minister of the protestant church.

2. This petition, signed by all the vicars-apostolic, by their coadjutors, by almost all the catholic clergy, by the catholic nobility, by the greatest part of the lower class of English catholics, was entrusted to the right honourable earl Grey, a member of the upper house, and to the right honourable William Wyndham, a member of the lower house of parliament, to be presented by them to these two branches of the legislature.

3. Till then, it never had been in the power of English catholics to communicate with the parliament, or with those who patronized them, respecting any conditions, that regarded the repeal of the penal laws\*. It was a transaction of a most novel kind, and which eventually

\* Before this time, communications had taken place between his majesty's ministers and the English catholics, on catholic emancipation and certain subjects connected with it; but, up to the time, to which Dr. Poynter refers in the text, no such communication with the *English catholics* had proceeded so far, as to have brought his majesty's ministers to mention the *conditions* on which the emancipation, or any degree of it, would be granted.

might conduce much to the good and advancement of the catholic religion.

4. On the 29th of January 1810, earl Grey signified to some of our leading men among the catholics, that, to obtain success to the petition, he particularly desired that, "the catholics should declare, by some instrument, "that they were ready and prepared to give some pledge "which should not be repugnant to the principles of "their religion, respecting the loyalty of those, who "should be appointed to the prelacy." He therefore proposed a formula, by which the English catholics should express, that "they were willing to acquiesce "in any proposal, which should be conformable to the "principles of their religion, and the discipline of the "roman-catholic church, and which should seem expedient to assure the loyalty of those, who were to be "promoted to episcopal order and duty."

5. In fact, on the very next day, which was the 30th of January 1810, a copy of this formula was exhibited to Dr. Douglass, the vicar of the London district, who instantly, and without hesitation, rejected it, as it appeared to restrain the power of the chief pontiff in electing his vicars in England. In the mean time, another copy of this formula was sent to Dr. Collingridge, the vicar-apostolic of the western district in England.

6. While these things were going on, some leading men among the catholics, conceiving that this formula might appear to some, to regard *the specific proposal respecting the veto*, which the Irish prelates had declared to be *inexpedient*, and being unwilling, that any specific proposal, which might affect the common concerns of the English and Irish catholics, should be entered into, without the consent of their Irish brethren, waited early in the morning of the 31st of January upon earl Grey. In the explanation of the matter with him, it was understood, by every one, on each side, that there was no



question, either respecting the veto, or any other specific pledge ;—and that only a general declaration should be made, which should express that the catholics were ready to do, on their part, those things, which, while they were conformable to their religion, might, at the same time, give mutual satisfaction and security to government and the catholics. Earl Grey did not hesitate to give this explanation in writing, and to sign it with his hand : and accordingly under this impression, the fifth resolution was, among various others, prepared. The part of it, which relates to the present business, is expressed in these words :

*“ That the catholics are firmly persuaded, that  
 “ adequate provision for the maintenance of the civil  
 “ and religious establishments of this kingdom may be  
 “ made consistently with the strictest adherence on  
 “ their part, to the tenets and discipline of the roman-  
 “ catholic religion ; and that any arrangements founded  
 “ on this basis of mutual satisfaction and security,  
 “ and extending to them the full enjoyment of the  
 “ civil constitution of their country, will meet with  
 “ their mutual concurrence.”*

7. On the same morning, Dr. Milner came to the house of Dr. Douglass, and while I, then the coadjutor of Dr. Douglass, was present, I myself heard Dr. Milner ask of Dr. Douglass, “ what he meant to do, respecting that satisfaction, which our government required ?” Dr. Douglass answered, that “ we owe to government, “ and that it behoves us to give it, satisfaction, as to “ civil obedience and loyalty ; and there we should “ stop : taking care that we do not subject ourselves to “ government in spiritual concerns.” “ This,” Dr. Milner said, “ was the very thing for which he had always “ contended ; that he would not concede to the govern-

“ment any right to object to any priest’s appointment  
“to the prelacy, on any other ground, than want of  
“civil loyalty; and that too, with this restriction, that  
“government should be bound to express the reasons  
“of their objection, and give the accused priest an opportunity of defending himself.” Then Dr. Milner asked me, “what I thought upon this subject?” I answered, that “I had altogether the same opinion as  
“Dr. Douglass on this head: that it was our duty to  
“satisfy government of our civil loyalty; but to yield  
“to government nothing in spiritual concerns.”

8. On the same 31st day of January, Dr. Milner, and about thirteen other noblemen and gentlemen, dined, by a friendly invitation, with sir John Lawson, baronet. After dinner, when the fifth resolution, which was intended to be proposed to the catholics at a public meeting, on the following day, was read, lord Clifford made some observations on the terms, in which that resolution was expressed. He also asked Dr. Milner, “whether  
“he himself would sign this resolution with his own  
“hand?”—The doctor exclaimed, with a loud voice, “This will give offence to the Irish; we ought to wait  
“for their opinion; but that he, as he was the agent  
“of the Irish bishops, could not sign it; that he had  
“once been burned in effigy.” The noble lord then asked Dr. Milner, “whether he (lord Clifford) might  
“sign it?” Dr. Milner answered, “you may:” and this answer was heard both by lord Clifford, and by every other person present. This same question, “is it  
“lawful to sign the fifth resolution?” was put to Dr. Milner by Mr. Weld, at the same time; and the same answer,—that “it was lawful,”—was given to that gentleman by Dr. Milner. Having received this answer from the bishop of Castabala, lord Clifford judged, that, with a safe conscience, he not only might

sign the fifth resolution, but might support and recommend it at the catholic meeting to be held on the following day.

9. Dr. Collingridge, as soon as he had received a copy of the formula framed on the 29th of January, which had been sent to him, set out, and travelling by night, reached London; and early in the morning of the 1st of February, hastened to the house of Dr. Douglass. He declared, as Dr. Douglass had declared, that “ he would accept of no formula, which would subject  
“ the vicars-apostolic, in spiritual matters, to the civil  
“ government; or which would, in any manner, be  
“ repugnant to the faith, discipline or rights of the  
“ catholic church.”

10. This arrival of Dr. Collingridge was not in the least expected, and altogether unforeseen.

While thus, by accident, Dr. Douglass, Dr. Collingridge, I and Mr. Hodgson, the vicar-general of Dr. Douglass, were assembled, and discoursing on these matters, Mr. Edward Jerningham came to the house of Dr. Douglass, for the express purpose of showing him the fifth resolution. The occasion of it being explained, and the resolution itself having been maturely examined and understood, it was adjudged, that “ it might be  
“ signed without danger, as it gave no pledge to accept  
“ any thing specific; and particularly, as the catholics,  
“ when they signed it, would only declare their willing-  
“ ness to concur in such measures, as would give mutual  
“ satisfaction and security. For that, if any arrange-  
“ ments should ever be proposed, which should not  
“ satisfy us, the guardians of the sacred deposit of the  
“ faith and discipline of the catholic church, or which  
“ should be adverse to its security, it would be wholly  
“ and absolutely free to us, altogether, and under the  
“ very wording of the resolution, to reject them.”

But, notwithstanding all this, as we wished that all

the four vicars-apostolic should act by mutual agreement, it was determined not to sign this resolution till Dr. Gibson's arrival in London. While I mention this, I also think that I ought not to omit mentioning, that Dr. Douglass expressly declared to me his coadjutor, that, "he wished me in this business, not to do any thing in his place or name."

11. It is to be observed, that Dr. Milner was not present with us at this meeting: nor is this wonderful: for we had met together by accident, not by preconcert. Mr. Edward Jerningham's arrival, bearing with him the fifth resolution, and his presenting it to us for perusal, were unexpected: nor was there then time to convene Dr. Milner, before the hour fixed for the meeting of the catholics. While, therefore, he cannot complain of our judging without him that the fifth resolution might be signed, this also occurs, that he himself on the day before had, without advising with us, by two answers, announced that it might be signed with a safe conscience, -- yet of this, none of us hath ever complained.

12. On the 1st of February, therefore, Dr. Collingridge and I proceeded together from the house of Dr. Douglass to the great room in St. Alban's tavern, to which the catholics were convened. -- Taverns of this description in London, are large houses, full of magnificent rooms, in which the inhabitants of London, are frequently assembled for public business, there not being, in private houses, rooms sufficiently spacious for such meetings. Hence, a person would not speak fairly of this meeting, who, giving no explanation of the term, would announce to persons of foreign countries, unacquainted with our manners, that a meeting of bishops, noblemen and other catholics, was held at a tavern. On that day there were not fewer than about two hundred catholics -- clergy, nobility and gentry, -- assembled in the tavern. Dr. Milner too was there, among the

others. When I entered the room with Dr. Collingridge, I said to Dr. Milner, that we should not sign the resolution on that day, because we wished to wait for the arrival of Dr. Gibson, to the end that all the vicars-apostolic might act in concert. I then invited Dr. Milner to meet Dr. Collingridge and myself on the day after, upon this business, in the house of Dr. Douglass; but I never told him, that, on that day, I had done any thing or ought to do any thing, on the part of Dr. Douglass; for this, Dr. Douglass had expressly forbidden me.

13. After lord Stourton, who presided at the meeting, had moved, and lord Clifford had seconded the resolutions, and after each had addressed the meeting at length, lord Stourton, with the full assent of all persons present, declared, that, “suffering as they had done for so many  
“ years, a privation of all their civil rights, and of much  
“ of their temporal property, on account of their pro-  
“ fession of the catholic faith, still, they would not sur-  
“ render a single particle of that holy religion, in the  
“ hope of any temporal advantages whatsoever, which  
“ the British government could give to the catholics;  
“ and that they valued their religion much higher than  
“ all their temporal possessions, or the highest honours  
“ of the kingdom.”

14. Although Dr. Collingridge and I derived the greatest comfort of mind from these words, yet I thought it my duty, before the fifth resolution was put to the vote, to say a few words, that all persons might know the reason why the vicars-apostolic and I wished to do nothing before the arrival of Dr. Gibson; I therefore observed, that, “questions affecting the spiritual con-  
“ cerns of all the four districts, and which consequently  
“ ought to be referred to the judgment of all the four  
“ vicars-apostolic, might arise on the fifth resolution.  
“ I therefore proposed for consideration, whether it

“ were not expedient, that the vicars-apostolic should  
 “ abstain from signing till the arrival of Dr. Gibson?”  
 I added, that, “ the concert of all the four vicars-apos-  
 “ tolic, if they were of one opinion, would add strength  
 “ to the resolution, and greatly assist to the obtaining  
 “ of that, which all had in view.” Lord Stourton an-  
 swered, “ that these resolutions contained no specific  
 “ pledge, but only expressed a general disposition on  
 “ the part of the catholics to negotiate with government  
 “ for their emancipation, on such a footing, that mutual  
 “ satisfaction and security might be obtained:” His  
 lordship then declared solemnly, that, “ if any specific  
 “ conditions, which pertained to matters of religion,  
 “ should at any time be proposed, they should be sub-  
 “ mitted to the judgment of the vicars-apostolic.” This  
 declaration was made and received with universal ap-  
 plause, and was most grateful to Dr. Collingridge and  
 to me, as we felt how necessary it was to favour this  
 disposition so publicly and so solemnly made,—“ sub-  
 “ mitting all things pertaining to religion to the judgment  
 “ of the vicars-apostolic.” And this every one would  
 feel; who should consider, that then, for the first time,  
 such a declaration was made, after the deplorable divi-  
 sions, which formerly existed between the bishops and  
 some catholics, and which now appeared to be extin-  
 guished and buried for evermore.—Still, however, Dr.  
 Collingridge and I desired that matters should wait the  
 arrival of Dr. Gibson, that all the four vicars-apostolic  
 might act together and in concert.

15. This indeed was agreeable to the meeting; and it  
 was proposed that a letter should be written to Dr. Gib-  
 son, by which, “ he should be respectfully invited to  
 “ come up to London as soon as possible:” but, as a  
 certain day was fixed, beyond which, it was then thought  
 that the catholic petition, with the accompanying reso-  
 lution, could not be presented; and as it was clear that

Dr. Gibson could not reach London within that time, it was manifest, either that this fifth resolution could not be signed by the other vicars-apostolic,—or that the arrival of Dr. Gibson could not be waited for.

16. In the mean time, lord Clifford informed me, that Dr. Milner had told him the preceding day, that “ he should not sign the fifth resolution, because *he was the agent of the Irish bishops.*”—I went up to Dr. Milner and asked him, “ whether he would sign these proposed resolutions?” He,—turning from me,—answered, “ *I have been once burned in effigy ; if I should sign this resolution, I should be burned again.*” Dr. Collingridge proposed the very same question to Dr. Milner, and received from him the very same answer. Dr. Collingridge pressed him “ to assign his reasons for refusing to sign :” Dr. Milner replied, “ don’t anticipate my reasons.”

17. Dr. Milner produced some letters, which, he said, he had received from Ireland, and desired that the English catholics would wait, till the Irish prelates should have held a synod, which they were to hold within ten days : but alleged no good reason why the English catholics,—deliberating on their own concerns,—should embrace this advice.

18. The resolutions were therefore put to the votes of the whole assembly, to be carried or rejected. Dr. Collingridge and I voted on neither side, and we therefore abstained from giving any sign of approbation or disapprobation ; so that, as our hands were not raised with the others, it was wrongly construed to be a sign of our disapprobation of the resolution proposed.

19. While this was going on, Mr. Weld, a roman-catholic gentleman of great respectability, together with his sons, consulted, now for the second time, with Dr. Milner, “ whether he and his sons could with a safe conscience, sign the fifth resolution?” Dr. Milner, by his answer, a second time recommended it to them.

20. The five resolutions being thus approved and accepted by this most respectable meeting of catholics, all hastened to sign them. One consideration remained,—whether Dr. Collingridge and I should sign them that day, or not. The fifth resolution, upon which only the difficulty turned, contained in itself no danger, as it held us bound to nothing, which could conflict with the doctrine and discipline of the catholic religion, or which did not afford to us both satisfaction and security.

Things being thus circumstanced,—on the one side,—every reason, for which, in the beginning, we had wished to postpone the signing of our names to a future time, had ceased, as it appeared that Dr. Gibson, for whose arrival we were desirous to wait, could not reach London in time for signing, and as Dr. Milner was unwilling to sign this resolution of the English catholics, *because he was the agent of the Irish bishops*\*;—on the other side,—the weightiest reasons convinced Dr. Collingridge and me, that these resolutions should be signed by us, without any further delay:—particularly, as after the declaration most grateful, and full of religion, which had been made, with the applause of all, that “they  
“ would submit all conditions pertaining to religion, to  
“ the judgment of the vicars-apostolic,”—which declaration put an end to all anterior divisions, and restored a most happy union between the bishops and all catholics,—there did appear to be some reason to apprehend, that, if the bishops had refused to stretch forth their hand in confirmation of peace and union, they might be thought to have given just cause of complaint to so many catholics, who had deserved well of religion; and also to have provoked them to emancipate themselves without any communication with the bishops. Hence many, and those the most distinguished among the clergy, came up to me, and earnestly entreated me not to quit the room, without subscribing the resolution. In fact,

\* They have long discontinued to employ him as their agent.



if this opportunity of confirming the union among the catholics themselves, and between them and their bishops, had been suffered to pass by, it might have been found too late and fruitless to search for another. Hence Dr. Collingridge and I subscribed our names; because we thought that the resolution, whether considered in itself, or in the circumstances accompanying it, was harmless and free from danger:—and we signed it, on that very day, because we saw the greatest detriment might accrue to religion and to the common peace of the catholics, among themselves, if we should refuse to sign it immediately. Thus, therefore, on this very day, noble and distinguished catholics, who had been divided for twenty years, became joined as one people in the bond of peace.

21. In the mean time, Dr. Milner having been invited by some person to meet him on the following day, replied, in my hearing, that he had “assigned that day “to confer with Dr. Collingridge and me at the house “of Dr. Douglass:”—But, as subsequently to that assignation, circumstances were so changed that the conference might be postponed without inconvenience, I answered, that “Dr. Milner was at liberty, if he thought “proper, to transact his business with any other person, “on the following day.”

22. From this assembly, I returned immediately to the house of Dr. Douglass, who was confined to it by infirmity; and I recounted to him every thing which had passed. He approved of all that I had done in the business; and, on the following day, he himself, with his own hand, subscribed his name to the resolutions.

23. On the 5th of February, Dr. Milner printed and circulated every where, a letter, in which he endeavoured to show that, if he had signed the fifth resolution, he would have consented by a given pledge for adequate provisions to be made for the support of protestant reli-

gious institutions. But no pledge of this kind was contained in this resolution ;—for it is not the catholics, but the legislature, who provide for the supporting the religious institutions of the realm : the obvious and natural sense of this resolution therefore is,—that the catholics are persuaded, that the legislature of Great Britain may provide for supporting the civil and religious institutions of the realm, without exacting from catholics, conditions, which are contrary to their adherence to the doctrine and discipline of the roman-catholic church. Besides, if Dr. Milner had really deemed that to be the sense of the fifth resolution, which he attributes to it in his letter of the 5th of February, why did he answer lord Clifford and Mr. Weld, and all his family, that this resolution might be signed with a safe conscience? 2dly. In the same letter he complained, that the catholics had not by this resolution provided for the safety of their church ; which, when he wishes to prove, he omits the words, “ *founded on the basis of mutual satisfaction and security ;* ” which words show, that the catholics, who signed this resolution, not only contemplated the faith and the discipline, but that they had in view, *the security of the church* ; and that they were bound to no conditions, which should not be satisfactory to themselves :—but what should satisfy them in matters pertaining to religion, was, according to the declaration made in this very assembly, to be decided by the judgment of the vicars-apostolic.

An answer was published by me to this letter published by Dr. Milner.—With the single exception of this answer, I have published nothing in defence of my reputation or of that of my colleagues, against the various calumnies, by which we have been attacked not only every year, but every month, by our brother Dr. Milner.

24. Towards the middle of the month of February,

Dr. Gibson, with Dr. Smith his coadjutor, arrived in London. By an unforeseen accident it had happened, that the petition of the roman-catholics with the five resolutions, had not been presented to parliament, on the day, which had been appointed for it.—Now, when Dr. Gibson had heard from earl Grey, both what the sense of the resolution was, and what sort of a pledge it contained, he and his coadjutor subscribed their names to it.

25. Let no one imagine, that the vicar-apostolic of the northern district with his coadjutor, the bishop of the London district with his coadjutor, and the bishop of the western district, in giving their names and sanction to the common petition of the catholics for the repeal of the penal laws, and to the resolutions accompanying it, had only in view *that* which favoured the obtaining of the civil rights and temporal advantages of the catholics :—let him reflect, how great are the difficulties and the thraldoms, by which the catholics are obstructed in the exercise of their religion, and to the removal of which the vicars-apostolic gave their first attention.—What shall I say of the condition of the sailors and soldiers, who may be legally forced, and sometimes are forced to protestant churches or places of worship on Sundays :—on the condition of the catholic priests, whose admission to sick or dying catholics in hospitals depends on the will of the functionaries, or servants employed in them, who sometimes refuse them admittance to the dying :—on the marriages of catholics, which are held in law to be invalid, unless they are celebrated by the protestant parson, in the protestant church, and in the manner prescribed by the law of the land :—on the funds possessed by the catholics, for the education of the clergy, or the support of missions, and of other religious duties, of all of which catholics may be deprived, because, in the eye of the law, they are destined to super-

stitious uses? That these and other most heavy burthens on catholics might be removed, was it not just that the vicars-apostolic and the laity, should labour, with their joint efforts, to obtain the repeal of the penal laws, by which catholics are oppressed both in civil society and in the exercise of their religion? And, if the catholics were held to no conditions, but those which accorded with the doctrines and discipline of the church, and which would carry with them satisfaction and security to the catholics themselves, would it have become the vicars-apostolic, to decline their share of exertion in the business? would they not have been wanting to their duty,—particularly after they had heard those words, replete with piety and comfort,—that “all conditions, which pertained to religion, should be referred to the judgment of the vicars-apostolic?” would they not have been grossly wanting to their duty, if they had not accepted this pledge?—if they had deserted from the common cause?

26. Still,—Dr. Milner, who, at *three different times*, had recommended the signing of this resolution, publicly opposed it afterwards:—and immediately a vehement clamor was raised in IRELAND against this resolution and the English catholics. But on what ground was this clamor in Ireland raised?—Three causes for this clamor may with truth be assigned.

1st. That some catholics, who met at Dublin, thought that the English catholics, in signing this resolution, had violated the pledge given by them, that they never would adopt any measure without the concurrence of the Irish, which pledge the English catholics deny their having violated.

But, if this were true, it was a political not a religious reason;—at all events, whatever might have been this pledge, the vicars-apostolic were ignorant of it.

2d. The clamor proceeded from this, that the lower

order of Irish was, *at that time*, averse to every thing English, or which came from England.

Hence, it is not wonderful that, after Dr. Milner had exclaimed against the fifth resolution and the English catholics who had signed it, he should have been so much extolled, and should as yet be extolled by the Irish demagogues\*.

3d. The third reason, on account of which the Irish clamoured so much against the fifth resolution, was the false exposition given of it, and transmitted to Ireland. This false exposition I have noted before; which, when it was presented to the minds of the Irish, which had, till then, been well disposed towards it, irritated them, and excited them to explode the fifth resolution. The archbishops and bishops of Dublin appear to have been deceived by this exposition: for when, on the 26th day of February of the same year, 1810, they had produced, among other resolutions, their sixteenth, in which they expressed, (though less cautiously perhaps), the same sentiments as the English catholics had done, in their fifth resolution; they, in the seventeenth resolution which followed, praised their agent Dr. Milner, because, as they imagined, he had opposed the fifth resolution of the English catholics.

27. That a right judgment may be formed of the fifth resolution of the English catholics and the sixteenth of the Irish catholics, I will subjoin the words of each.—Behold the tenor of the first!

\* *Irish demagogues*.—These words are not Dr. Poynter's:—they are copied by him from a passage, which he transcribes on the proofs, from a printed letter of Dr. Milner, cited in them.

*The Fifth Resolution of the English Roman-catholics on  
the 1st February 1810.*

“ The roman-catholics of England are firmly  
“ persuaded, that adequate provision for the main-  
“ tenance of the civil and religious establishments  
“ of this kingdom may be made, consistently with  
“ the strictest adherence on their part, to the tenets  
“ and discipline of the roman-catholic religion ; and  
“ that any arrangements, founded on this basis of  
“ **MUTUAL SATISFACTION AND SECURITY**, and  
“ extending to them the full enjoyment of the civil  
“ constitution of their country, will meet with their  
“ grateful concurrence.”

Behold the tenor of the second !

*The Sixteenth Resolution of the Irish Prelates on the  
26th February 1810.*

“ That, as to arrangements regarding our church,  
“ and said to be intended for accompanying a pro-  
“ posal of the emancipation of Irish roman-catholics,  
“ prudence and a regard for our duty forbid us to  
“ pronounce a judgment. However, we declare,  
“ that no spirit of conciliation has ever been want-  
“ ing on our part ; that we seek for nothing beyond  
“ the mere integrity and safety of the roman-ca-  
“ tholic religion, in its christian faith and commu-  
“ nion, and its essential discipline, subordination  
“ and moral code : nor may we be justly reproached  
“ for our solicitude in guarding those sacred things,  
“ for which we are bound to watch and bear testi-  
“ mony with our lives if required\*.”

\* It cannot be denied that the translations of both resolutions, in Dr. Poynter's *Epistola Apologetica*, are perfectly accurate. The same cannot be said of the translation given of the fifth resolution of the

28. If there be any difference between this resolution of the Irish bishops and the fifth resolution of the English catholics, it seems to consist in this, that the English catholics contended "that *the whole discipline of the church*" should be preserved, making no difference between that which is essential, and that which is accidental; whereas, the Irish bishops declared, that "they sought for nothing beyond the mere integrity and safety of the roman-catholic religion in *its essential discipline.*"

29. The Irish prelates subscribed their sixteen resolutions with their names, and promulgated them among their flocks: to these, they added another resolution, the seventeenth in number, signed by their secretary only, which, at first, they did not publish with the other sixteen; but which they sent to Dr. Milner their agent in England, to have it published *there* in any manner he should deem expedient;—it is expressed in these words:

"Resolved unanimously, *That the thanks of this meeting be, and are hereby given to the right reverend Dr. Milner, bishop of Castabala, for the faithful discharge of his duty, as agent to the roman-catholic*

English catholics by the Irish prelates, in their synodical letter of the 12th November 1813, recently published by Dr. Milner.—"Se, (catholicos nempe) persuasum habere, quædam esse media pro stabiliendo statu civili et ecclesiastico hujus regni, salvâ fide et disciplinâ catholicâ, et se paratos esse alacriter concurrere ad hæc media adhibenda \*."—We do not venture to translate this version;—the reader must perceive that it is a great misrepresentation,—unintentional no doubt,—of the fifth resolution:—it *omits altogether* the important words, which require that the arrangement, with which the subscribers of that resolution bound themselves "gratefully to concur,"—should be "founded on the basis of *mutual satisfaction and security, and to extend to them the full enjoyment of the civil constitution of the country.*"

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\* See Dr. Milner's Supp. Mem. App. G. p. 297.

*“ bishops of this part of the united kingdom, and more  
 “ particularly for his late apostolical firmness, in  
 “ dissenting from and opposing a vague, indefinite  
 “ declaration or resolution, pledging roman-catholic  
 “ to an eventual acquiescence in arrangements possibly  
 “ prejudicial to the integrity and safety of our church  
 “ discipline.”*

30. The venerable prelates of Ireland praise,—*not the vicar-apostolic of England,—but their agent*, interfering in the concerns of the English catholics.—By what right has he, as an agent of the Irish bishops, any concern in the civil or ecclesiastical affairs of the English catholics?—But Dr. Milner had answered to lord Clifford, Mr. Weld and others, that *“ he would do nothing respecting the resolutions of the English catholics, because he was the agent of the Irish bishops!”* What then has he done to entitle him to the praise of apostolical firmness? Did he *dissent* from the fifth resolution? On the contrary,—he persuaded lord Clifford and Mr. Weld and his family to sign it\*,—and he declared that he should condemn none of the clergy of his district who should sign it. Did he make any opposition to this resolution? Not the slightest.—But, if he had opposed this resolution, what would he have opposed, more than a resolution, by which catholics pledged themselves to no proposal, that was not consonant to the doctrines and discipline of their religion, and which did not carry with it satisfaction and security to them?—Does the man who opposes such a resolution, deserve the praise of *apostolical firmness*?—from those particu-

\* Dr. Milner, in his *“ Additional Notes to Supplementary Memoirs of English Catholics, with some Remarks addressed to the Editor of a late Publication, intituled, An Apologetical Epistle to Cardinal Litta,”* denies or rather wishes to be thought to deny this fact.—But it does not admit of doubt.—This may be easily ascertained by applying to lord Clifford, or to any of the late Mr. Weld’s surviving sons.



larly, who declared, in the very same hour, that they sought that only in discipline, *which was essential?*

Wonderful therefore will it ever appear, that the prelates of Ireland should have praised their agent, 1st, for opposing a resolution, which he had never opposed,—but the signing of which he had recommended; and 2dly, for opposing a resolution, which differs from their own sixteenth resolution in this particular only, that the English resolution provides *for the preservation of the whole discipline of the church*, while the resolution of the Irish prelates stipulates *for the preservation of no part of its discipline that is not essential*.

31. But the Irish bishops have declared the fifth resolution to be “*vague and indefinite*,” and “to be such as pledged the catholics to an eventual acquiescence in arrangements possibly prejudicial to the integrity and safety of our church discipline.” But, certainly, a resolution is not vague and indefinite, in which the conditions are so fixed and defined, that the catholics stipulate in them expressly for their adherence to the doctrines and discipline of the roman-catholic religion, and their concurrence in that, which rests on the foundation of mutual satisfaction and security. Those who search among future contingents, for what may, by possibility, be objectionable, endeavour to draw up matter of crimination from a dark abyss; but it is sufficient for us, that we have guarded, by the very terms of the resolution, against these objectionable possibilities.

For either the conditions to be proposed will be adverse to the faith, discipline and integrity of the catholic religion, or they will not. If they should be such, then, by the very terms of the resolution, we shall not be bound to accept them; if they should not, what an empty clamour!

32. It may be asked,—by what right the Irish bishops

passed this sentence upon the resolution and *act of English catholics*? Dr. Milner gives this answer,—that this resolution was in opposition to the resolution of the Irish bishops of the 14th September 1808, by which they declared it “to be *inexpedient* to introduce any “alteration in the canonical mode hitherto observed “in the nomination of Irish roman-catholic bishops.” But, it is most evident, that the resolution of the English catholics was not opposed to this resolution; 1st. Because it provides for the preservation of the whole discipline of the catholic church, which embraces, among other things, the canonical election of bishops: 2d. Because it left the Irish roman-catholic bishops untouched.

Again,—Dr. Milner contends, that the fifth resolution was proposed by lord Grey and lord Grenville, for the express purpose of binding the catholics to grant to the king, the negative power, or *the veto*, and to the performance of every thing else, that was contained in lord Grenville’s letter to lord Fingall.—But,—1st. When the fifth resolution was proposed, nothing whatever was either directly or indirectly spoken or understood about the veto, about the letter of lord Grenville, or about the intentions of lord Grey or lord Grenville. Hence,—whatever might be in this letter, or in the intentions of the noble lords, the catholics were not bound to it; but were bound only to those things, which were proposed by the terms or meaning of the resolution, and accepted by them.—2d. How unjustly a design to injure the catholic religion is attributed by Dr. Milner to these noble senators, (who have deserved so very well of the catholics), when they proposed the fifth resolution, appears from the solemn declarations, which those noblemen made, as well before the catholics signed the fifth resolution, as in parliament on the 31st of January 1812, and on other occasions well known to us.

33. This seventeenth resolution of the Irish bishops, by which they praise their agent for resisting the resolution of the English catholics,—which resistance he never made,—and by which resolution they, without any provocation, or any right, that we know of, passed a synodal sentence upon an act of English catholics, has been published by Dr. Milner in England, and circulated in various manners, through our districts, at his will, according to the directions, which the Irish bishops had given to him as their agent :—which could not be done without great injury to the other vicars-apostolic, or without great danger of exciting divisions among the catholics in England. Whether this mode of proceeding, which our brethren the bishops of Ireland and Dr. Milner their agent have pursued, be conformable to the canon law or not, I leave to the judgment of the congregation *De Propagandâ Fide*.

34. These proceedings affected the other vicars-apostolic in England so much, that they employed me, as their secretary, to write letters on the subject of them; to Dr. Milner and some of the Irish prelates, particularly Dr. Troy. These letters I alone wrote, and in private, but did not send them to the Irish bishops, before they were seen and approved of by Dr. Gibson, Dr. Douglass, and Dr. Collingridge, the other vicars-apostolic. Dr. Milner made it a heavy charge against me, that I availed myself of the services of Mr. Charles Butler in writing these letters, in which Dr. Milner was indeed wholly mistaken; as I afterwards demonstrated to him, so, as that he acknowledged and confessed that he was mistaken.

35. We held this communication by letter, with the archbishop of Dublin, in order that, by a secret and friendly expostulation and exposition of the truth, we might remove the ill-conceived opinions formed of the councils and acts of the vicars-apostolic, and that we

might behold the return we wished for, of that ancient concord, which had happily prevailed between the Irish and English bishops, till the time of the fifth resolution. We did not publish these letters,—lest we should cause divisions, or submit episcopal concerns to the judgment of the common people.—In the mean time, Dr. Milner has not ceased, by letters and pamphlets circulated among the people, not only to render odious the fifth resolution, by his expositions of it, but to injure, in a high degree, the reputation of his colleagues, the other vicars-apostolic. Dr. Milner even in his printed work, intituled, “An Explanation with Dr. Poynter,” has made public, parts of my letter to the archbishop of Dublin, garbling and mangling my sentences, my narrative, and my arguments.

36. But now,—after I shall answer two arguments brought against the fifth resolution,—I will put an end to this exposition of facts.

*The first reason* for objecting is said to be,—that, though the resolution be harmless in itself, yet the circumstances, in which it was proposed, were such, that it ought not, at least, at that time, to be signed by the vicars-apostolic.

If any person still thinks so—I beg he will vouchsafe to read once more the account, which I have given of the circumstances, in which the vicars-apostolic were placed, and to weigh them:—and I am convinced he will acknowledge, that these very circumstances made it a most imperative duty on the vicars-apostolic, not only to sign that resolution, but to sign it at the time, when they did sign it.

*The second reason* for objecting,—is said to be,—that the objectionable clauses in the new bill brought into parliament, originated in this fifth resolution of the English catholics.

But how? Was it, because those clauses were adverse

to the discipline or the safety of the church, and that the English catholics had promised, by the pledge given in that resolution, to consent to such clauses? But the English catholics had promised nothing of the kind :—rather the contrary,—as they had declared that they were ready to concur *in that only, which was consistent with the doctrines and discipline of the catholic church*, and which would afford them satisfaction and security. Did those, who prepared these clauses, or who advocated them in parliament, refer to this fifth resolution of the English catholics?—Not in the least. *But they did openly appeal to the resolutions of certain Irish prelates in the year 1799.* If any persons were bound by any previous pledge and declaration to accept these clauses, or had in any manner committed themselves, those persons certainly were not English catholics. And assuredly,—the vicars-apostolic of England, who signed the fifth resolution in 1810, published in the month of November 1813, a pastoral instruction, in which they quoted the fifth resolution, as a declaration which precluded any concurrence or consent on their part, to any conditions or restrictions, which could be adverse to the integrity or security of the catholic religion, and, at the same time, publicly disapproved of the clauses in the new bill :—and with reason,—as these clauses neither gave satisfaction nor security to the bishops. No person availed himself, or could have availed himself, of the fifth resolution, as a pretext for imposing such clauses or restrictions upon the catholics.

37. Although by disapproving, in that pastoral instruction, the clauses in the new bill, we declared, in what sense we signed the fifth resolution,—namely,—inasmuch as it contained nothing that was not most strictly conformable to the doctrines and discipline of the catholic church, and the rights of the holy apostolic see; and although, when we made this declaration, we

did the very thing which Dr. Milner and the Irish bishops required of us, yet did Dr. Milner, (see the Explanation with the right rev. Dr. Poyner by the right rev. Dr. Milner, v. A. M. D. page 35 and 36), nevertheless attack this our public declaration and the whole of our pastoral letter, in an encyclical letter of the 22d November 1813, which he sent to the catholics of his midland district, and which together with my pastoral instruction was, without my consent, circulated in the Orthodox Journal among the public.

38. Now I request that this encyclical letter of Dr. Milner may be considered with attention. It is a formal attack upon my pastoral instruction, which, on the 17th of November 1813, I officially addressed to the clergy and laity of the London district. I ask,—if it be conformable to the discipline of the church and to the canon law, that any one bishop should, formally, and in public, attack the pastoral instruction of another bishop, over whom he hath no jurisdiction? He contemptuously calls this my pastoral instruction, a circular letter, and again contemptuously describes the pastoral instruction of Dr. Gibson as a copy taken from mine. Probably, at this time he had heard nothing of the pastoral letters of bishops Collingridge, Cameron and Chisholme.—Towards the end of the first paragraph of this his epistle, Dr. Milner contends that this pastoral instruction should be considered as a formal contradiction of the decision of the Irish prelates of the 26th February 1810. But we touch no decision of these venerable prelates; we treat of our own concerns only. Then,—calling the fifth resolution, with greater boldness than truth, a *fatal one*, he proclaims without any reason, that the new bill, which he denominates *schismatical*, derived its origin from that resolution.

39. Then he proceeds further, and draws into light what he calls a chain of facts.

And *in the first place*,—assuming it to be a fact,—he declares, that he had an indubitable right of speaking and judging at the assembly of bishops at Durham,—which, as he was not invited to it, he terms a packed council.

Now, is the right, thus claimed for himself by a vicar-apostolic, to be proved from any principle of the canon law, which is applicable to assemblies of some particular vicars-apostolic, equal among themselves, independent of each other, subject to no metropolitan, who agree to meet together? Can then the appellation of a packed council, by which he honours this meeting, be defended? Ought it to be endured? Is it becoming to use it?

40. *In the second place*,—he assumes as a fact, that certain bishops in Scotland, who were present at the meeting, were induced to attend it, by the false representations, that the vicar-apostolic of the midland district, was to be present with the others at the meeting, and that these Scottish bishops *strongly* reprobated his exclusion.

This assertion, which Dr. Milner terms a fact, is altogether deficient in truth.

The reasons, for which Dr. Milner was not invited, were numerous :

First,—because one of the vicars-apostolic absolutely refused to meet him :

Secondly,—because in the former meetings, he had conducted himself in a manner highly arbitrary and offensive to the other vicars :

Thirdly,—because he had printed and circulated among the public mutilated and untrue accounts of what was said or done at the former meetings.

I myself declared, both by word of mouth and writing, that there was no obstacle on my part to his being present, if it pleased the other bishops:—but it did not please them.

41. *In the third place*,—Dr. Milner puts forth as a fact, that it was known to him, that the meeting was proposed and formed by some lay catholics for furnishing a sanction or pretence for making concessions to the protestant church, which might serve as a foundation for a new bill to be offered by them to parliament. On this Dr. Cameron observes, that this pretended fact requires some proof:—for it bears on the face of it, a most heavy charge;—some proof of it is therefore necessary.

But where is this proof to be found?

In every respect it is most false:—as I am ready so to testify on the word of a bishop.

42. As another fact, Dr. Milner, in this same fourth place, asserts,—that “the chief agent in this business” was a distinguished ecclesiastic,—(meaning myself), “—who holds a pension at the will of these laymen, “which was raised by public advertisement for the situation, which he holds, soon after he had signed their “favourite fifth resolution; and at a time when the “Irish prelates and Dr. Milner persisted in their protest against receiving money from any quarter, while “their religion continued in danger.”

I declare that I hold a pension at the will of no one;—that I depend upon no layman.

I know that, in the time of my predecessor, Dr. Douglass, a fund or capital began to be collected for the support of the vicar-apostolic of the London district:—but I declare that I was never consulted about this fund.

The first thought of collecting it, was conceived about the year 1808, when the reverend Mr. Bramston accidentally discovered the narrow circumstances of Dr. Douglass; he was grieved at them, and, wishing

\* Bishop Milner's Encyclical Letter, Orthodox Journal, November 1813, p. 232.



that the evil might be remedied, so that the vicars-apostolic of the London district might not, in any future time, labour under such great straits, he proposed to some of the faithful of that district, a plan of doing something for the relief of Dr. Douglass in his illness. From this fund the vicar-apostolic of the London district now receives, but subject to no control, a yearly income.

The establishment of this fund never had any connection with the fifth resolution.

In fine, all the crimination implied or rather expressed by this fourth (pretended) fact, is wholly false and destitute of foundation. In 1810,—before the pamphlet intitled, “An Explanation with the right reverend Dr. Poynter,” containing a false representation of this transaction, was published,—(which was on the 25th of March 1812),—the reverend Mr. Bramston had laid before Dr. Milner, a clear and distinct statement of the real facts respecting this fund;—and at Durham, on the 22d August 1812, which was *long before* 1813, in which year the encyclical letter, containing this crimination, was published by Dr. Milner, Mr. Bramston, in the hearing of the four other prelates and myself, again explained the matter to Dr. Milner. What is testified by Mr. Bramston respecting this transaction, he is ready to testify solemnly, if it should be necessary.

Moreover,—the very regulations respecting the fund, which have been printed, show how false the charge thus brought by Dr. Milner really is.

I hope my mind is so constituted, that I am not to be induced by money, either to discharge or to decline my duty, and I expect God alone for the reward of my labours.

43. *In the fifth place*,—Dr. Milner declares as a fact, that “it appears from the known report of this agent,”

—(he continues to speak of me),—“to his employers,  
 “and it is gathered from his published letter, that a  
 “principal business of the episcopal meeting was to  
 “renew the fatal fifth resolution, in opposition to the  
 “decision of the catholic prelates in Ireland, 1808 and  
 “1810, from which resolution so much dissention in  
 “both islands, and the yet recent schismatical bill has  
 “proceeded\*.”

It is not true, that the new bill, (which Dr. Milner calls schismatical), drew its origin, in any manner, from this resolution. No one of the members, who spoke for or against the bill, appealed to this resolution. The connection between that bill and the resolution is an invention of Dr. Milner, as has been shown before in the 36th article of this letter.

44. After this,—Dr. Milner declares that the agents of the public board had lately expended their subscribers’ money in publishing and gratuitously circulating a stereotype work, intituled, “The Rise and Progress of the  
 “Veto†.”

The falsehood of this declaration has not only been exposed in the public papers, by the honourable Robert Clifford‡, but has been proved to demonstration to be false, by the testimony of Mr. Edward Jerningham the secretary of the catholic board.—The falsehood of the other assertions, respecting the manner in which the

\* Orthodox Journal, Nov. 1813, p. 232.

† “The agents of the board have lately expended a great deal of  
 “their subscribers’ money, in publishing and gratuitously circulating  
 “a stereotype work, expressly contrived still further to mislead the  
 “public mind.” Dr. Milner’s Encyclical Letter, Orthodox Journal, Nov. 1813, p. 233. This charge was by a resolution of the board, explicitly contradicted by Mr. Edward Jerningham their secretary, by a public denial of it in the newspapers:—Had it been true, it would have been a scandalous abuse of trust.

‡ The editor of the Rise and Progress of the Veto.

other vicars-apostolic have conducted themselves about the fifth resolution, is shown in the short history, which I have given of it.

45. In this encyclical letter, Dr. Milner condemns the praises, which we give in our pastoral letter to the catholics of Great Britain, for the christian and catholic sentiments, which they unanimously expressed, and their ready willingness “to refer all the conditions of their emancipation, which pertain to religion, to the judgment and decision of their pastors.” If there were a few, who did not deserve, on every account, these praises, is the general expression, morally taken, as it ought to be taken, the less true? Dr. Chisholme thus writes to Dr. Milner on this subject: “that he hoped Dr. Milner was sufficiently instructed in logic, as not to be ignorant that a general proposition sometimes contains exceptions.”

As to the sentiments,—that “they would not give up, even the least part of their religion, to obtain all the emoluments of their civil emancipation; and that they were ready to refer all the conditions of their emancipation, which pertain to religion, to the judgment and decision of their pastors,”—it is most certain that these sentiments,—(which no one will deny to be both christian and catholic),—have often publicly, since the beginning of the year 1810, been unanimously proclaimed by those very catholic noblemen and gentlemen of England,—whom Dr. Milner in this place “reproves, entreats and rebukes.” These, I have often heard;—these, Dr. Milner himself heard on the 1st of February 1810;—these same sentiments, with a declaration of their reverence and submission to the holy apostolic see, I myself heard them proclaim, when, in the month of June 1813, they requested of me, that I would endeavour to obtain from the holy see, all such advice as

should appear necessary to me and the other vicars-apostolic towards instructing them, when emancipation should be offered them, whether they could accept the conditions which might then be annexed to it.—Are not such sentiments to be encouraged and praised?

As to the title “protesting catholic dissenters,” which, about the year 1790, was at the time both proposed and rejected, it has not been assumed since that period, by any English catholics, and has scarcely existed anywhere, except in the writings of Dr. Milner.

On the other title,—(the Cisalpine club)\*,—this may be said,—that in its origin, in its beginning, it was offensive; but that now, from the lapse of time, it has become a name without the meaning originally signified by it,—as we often see happen on other occasions. This society is now nothing more than a convivial meeting of catholics, at which they meet in terms of friendship and keep up a friendly intercourse. For many years, nothing has been transacted or discussed in it upon religious or any serious concerns. I certainly could wish to remove that offensive title; but, as it is now an empty name,—of the meaning and origin of which most are ignorant,—as the attempt itself to remove it might stir up in one or two, a spirit, which we hope is extinct, and excite discussions unnecessary, and always dangerous, regard both to religion and to peace, leads me not to meddle with this title, at least for the present.

46. Why Dr. Milner should, in his encyclical letter, as in his many other publications, unceasingly revive ancient and dormant disputes, it is difficult to explain; but that he should do it, is not the less to be lamented.

Proceeding in this his epistle to things of a more recent date, he asks, “whether the lay catholics have, “within the last ten years, consulted any bishop, upon

\* See page 516 infra.

“ any petition or resolution regarding ecclesiastical  
 “ matters, and particularly on the celebrated fifth reso-  
 “ lution ?”

The answer is short and easy. In the hearing of many, lord Clifford and Mr. Weld consulted Dr. Milner, on the fifth resolution, on the 31st day of January and the 1st day of February 1810.

47. Besides those things, which I have shortly mentioned before, let me be permitted to request, that any candid judge of these things, would consider,—

With what patience, the English catholics have suffered a privation of their civil rights on account of their profession of the catholic religion;—with what piety, they have adhered, and do still adhere, in the midst of the greatest grievances, to the ancient faith and the holy apostolic see;—with what liberality, they have contributed, out of their private property, to the support of the public burthens of religion and charity.

Let him look into a list of the principal catholics—(among whom he will find those, whom Dr. Milner unjustly rebukes);—and into the number of those, who residing neither in London, nor in any principal town, support, at their own charge, either wholly or partially, catholic clergymen, and the expenses of their chapels, and thus procure the comforts of religion to be administered, not only to themselves and their families, but to numerous catholic congregations, in the country, residing in the neighbourhood of their mansions,—let any one, I say, consider and reflect on this and then declare, whether the English catholics do not deserve the praises, which I and the other vicars-apostolic have, with a common voice, given them in our pastoral instruction? Is it not lawful to us, to pay them this tribute, which we deem their just due? Has Dr. Milner any right to lay hold of our pastoral instruction, and asperse it on this account?

48. Then Dr. Milner blames the manner, in which the other vicars-apostolical of England and Scotland have expressed their disapprobation of the objectionable clauses of the new bill,—because we did not pronounce the same sentence upon them as the Irish bishops, and as Dr. Milner,—who is a *judge in Israel*.

But once more,—by what right does he pronounce upon our sentence? If he boasts that he is a judge in Israel, are not we too judges? Is he judge over us? Has he authority to condemn our official acts?—Against this aggression of our rights, we appeal to the holy see.

49. Respecting those things, which he says of me:—a few of them must be noticed, that the truth may appear.

For,—in the first place,—Dr. Milner wrote to me on the 20th day of May 1813, desiring that I would join him in publicly condemning clauses in the new bill, prepared by Mr. Canning. I answered on the same day, that I knew not what these clauses were, and therefore could not condemn them. This answer he calls evasive.

Now it is to be observed, 1st. That, at this time, the first draft of the bill, with the clauses prepared by Mr. Canning, had been revoked; and that Mr. Canning was then employed, together with lord Castlereagh, *in framing a new draft with new clauses\**. What were the clauses which I was to join Dr. Milner in condemning? Were they a new set of clauses not then prepared? But these were unknown to me. What then were the clauses, to which I was to object?

But, 2dly.—I will observe that, on the 21st of May, Dr. Milner wrote to me, repeating his question, “Whether, as I had then seen the clauses of the new bill, I

\* This the writer of the Memoirs can confirm from his own knowledge: The reader of this part of the Memoirs should always bear this circumstance in view.

“ would publicly oppose them in conjunction with him?”  
—But these clauses, I had not then seen. In this state of things I wished to wait for the opinions of the other bishops, before I declared in print, a public opinion of my own on these points.

Besides,—as the framers of these clauses had promised me, that many alterations should be made in the clauses, when the bill should be in the committee of the house, by which the operation of them would be considerably lightened, it would have been altogether imprudent, to express a public opinion of them, while they were in this imperfect state, and before the proposed discussions and alterations took place.

3dly, and lastly.—I will now say,—that the reasons, for which, in the conference, which Dr. Milner had with Dr. Collingridge and myself on the 24th of May, we refused to answer his questions, were the conditions, which he wished to impose on us, and the temper of mind, which he then discovered. Dr. Collingridge and I did that, which we thought it was our duty to do. Neither did we think, that we ought to be bound, as Dr. Milner wished to bind us, to answer all questions to be proposed by him, or to declare opinions before him, which he could, as experience shows he had done on other occasions, represent rather according to his own, than our manner of understanding them.

50. Therefore,—if any person will examine the things, which, in the encyclical letter, addressed by him to the catholics of his district, as their pastor, Dr. Milner states as *facts*, he will find that they are not *facts*, but mere *fabrications*: and that the pastor teaches his flocks things, the falsehood of some of which, has been demonstrated in the public papers.

Such is the nature of some of these things which are called *facts*, that, if they were true, the persons, to whom

they are imputed, would be guilty of the *greatest crimes*; but, as they are false, they are the *greatest injuries and calumnies*.

But,—to whom are these injuries done? To vicars-apostolic, who act under the pope's authority, in the several districts of England:—To most respectable catholics, who have deserved well of religion.

Nor to individuals only,—but to the whole catholic body in Great Britain is the greatest injury done by Dr. Milner by such writings;—as they tend to awaken controversies set to rest, to renew ancient disputes, to disseminate discord between the English and Irish catholics, and to prevent that peace and concord, which the other vicars-apostolic are endeavouring to establish among all.

And this his epistle, is like the other writings, which during these last five years, Dr. Milner has published;—by which, he has assailed, by injurious words, and has sometimes endeavoured to asperse by false accusations, —the vicars-apostolic his colleagues,—the clergy, particularly those of London,—the catholic nobility and commonalty,—the members of parliament,—the ministry,—the opposition,—friends and enemies,—even the bishops of Ireland,—and the court of Rome.

But many noble and distinguished catholics have particularly complained,—and requested, that their complaints may be laid before the holy see,—*that Dr. Milner assails them by injurious criminations, even in his pastoral instructions to be read to the people from the altar.*—As he does this in his district in his quality of vicar-apostolic, and therefore in the name of the pope, they inquire, whether it be the will of his holiness, that such an injury should be done them, in his name?

51. Having thus set forth these things, which place the truth in its light, and demonstrate to every one the



genuine history of the transaction,—I APPEAL TO THE HOLY SEE.

*And I pray that the most blessed father will vouchsafe to protect my colleagues and his vicars against this encroachment of his jurisdiction,—and all the catholics against these injuries done them by a vicar of the holy see.*

WILLIAM POYNTER, Bishop of Halia.

Dated Rome, 15 March 1815.

### I. 2.

#### *Some account of the Result of Dr. Poynter's Apologetical Letter.*

THE APOLOGETICAL EPISTLE was delivered to cardinal Litta, on the 16th March 1815, the day next after its date. It was intended by the holy see, that the matters, to which it relates, should be taken into consideration in the week next after the following Low Sunday; but, on the Wednesday in Holy week, (22 March), the troubles in Italy compelled the pope to fly from Rome. This prevented the intended proceedings: but cardinal Litta, in a letter to Dr. Poynter, dated Rome, 2d December 1815, declares, that, “ Dr. Milner had  
“ been reprimanded, and had been ordered to ab-  
“ stain from publishing any such charges against his  
“ colleagues in future.” The cardinal addressing himself to Dr. Poynter; then says, “ Ad amplitudinem vero tuam  
“ quod attinet, persuasum tibi esse velim, sacram hanc  
“ congregationem præclarè quidem de te sentire, et velle,  
“ ut auctoritati tuæ in vicariatu tuo omnis honor et ratio  
“ habeatur.” — “ As to what regards your lordship,  
“ I wish you to be persuaded, that this sacred congrega-  
“ tion,”—(i. e. the congregation *De Propagandâ Fide*)—  
“ thinks most honourably of you, and desires, that in

“ your vicariat, all honour and account should be shown  
“ to you.”

It may be added, that Christendom does not possess at this time, a prelate more personally respected by Pius the seventh, the sacred college of cardinals, or the Roman congregations, than Dr. Poynter.

In a brief, of so late a date as April 1820,—after revoking a decree of the *propaganda*, which derogated from the ordinary jurisdiction of the English vicars-apostolic, his holiness enjoined the sacred congregation, to make no such decrees in future without previously consulting with them.—In the same letter, he complains of the turbulence and violence of Dr. Milner’s conduct, and orders the sacred congregation to make this known to him ; to exhort him to reform, and to threaten him with removal from his vicariat, if he do not.

Some time after the first appearance of the *Epistola Apologetica*, Dr. Milner published his “ *Additional Notes to Supplementary Memoirs of English Catholics ; with some Remarks addressed to the Editor of a late Publication, intituled, An Apologetical Epistle to Cardinal Litta.*”—After a denial, in general rather apparent than real, of some of the charges, Dr. Milner says—“ I observe that in your pretended Apology, you say nothing about the toleration of Blanchardism—the unveiling of retired ladies,—or the patronage of the Bible Society.”—On each of these subjects the writer will offer some remarks : and avail himself of this opportunity to show the true nature of the Cisalpine club, against which Dr. Milner has so greatly inveighed,—and to vindicate the memory of the late lord Petre from an aspersion inserted by Dr. Milner in the “ *Additional Notes.*”

## I. 3.

*Charge against Dr. Poynter of tolerating Blanchardism.*

IN the writer's "Historical Memoirs of the Church of France\*," the reader will find a succinct account of the transactions between pope Pius the seventh and Buonaparte, and between his holiness and Louis the eighteenth. The successive settlements of that church by the pope was arraigned by an abbé Blanchard, in terms highly indecent, and, if not schismatical, leading at least to schism. One of his publications was condemned both by Dr. Douglass and Dr. Milner: seven French priests signed a formal approbation of it. In July 1809, the prelates of Ireland condemned eleven positions of Blanchard as false, calumnious and scandalous. The four English vicars-apostolic in the following February, took into consideration the propriety and expediency of coming to a resolution, that no French priest should be allowed to hold spiritual faculties, who, being called upon, should refuse to acknowledge that Pius the seventh was not a heretic or schismatic, or the author or abettor of heresy or schism. They did not however come to any final resolution upon this point, but a declaration to this effect was afterwards promulgated by the vicar-apostolic of the midland district, in his diocese.

Among the seven priests, who had signed an approbation of the work of abbé Blanchard, was an abbé Trévaux. That clergyman afterwards expressed to Dr. Douglass his repentance of it, and assured him that he had been imposed upon, and had not approved of any of the censured or justly censurable propositions in any of the publications of Blanchard. He explicitly acknowledged to Dr. Douglass, his belief that pope Pius the seventh was the true legitimate successor of Saint

\* Ch. xxii. xxiii.

Peter, and professed respectful and canonical obedience to his holiness, as head of the church; and dutiful submission to the apostolic see and his superiors in the hierarchy. Upon this, Dr. Douglass restored to the abbé his spiritual faculties. Strong solicitations were made to induce him to restore their faculties to the six other refractory clergymen; but, as they did not give him the satisfaction which he required, Dr. Douglass persisted in refusing to restore them.

The Irish prelates and Dr. Milner contended that the retraction of the abbé Trévoux should have been more formal, and made public. Dr. Douglass observed, that the abbé could not retract what he declared he never had maintained; that his declarations were explicit and complete counterpositions to the doctrines of Blanchard; and that nothing rendered a publication of the transaction necessary; but that some circumstances, peculiar to the London district, rendered it highly inexpedient at that time. The Irish prelates and Dr. Milner were not satisfied: but Dr. Douglass considered that he was not responsible to the Irish prelates, or to Dr. Milner for his official conduct in the government of the London district, and declined to make the retraction public.

Whatever may be thought of the motives, which actuated Dr. Douglass on this occasion, there is no doubt that he was guided by that spirit of gentleness and moderation, which is almost always right. At all events, as the whole transaction began and ended in the lifetime of Dr. Douglass, it is a concern, in which Dr. Poynter is not implicated in the slightest degree.

Immediately after the decease of Dr. Douglass, Blanchard began a direct attack upon Dr. Poynter: he pronounced the prelate to be schismatical. "We live," he said, "in an island, where there is no faithful bishop, grand-vicar, or priest: the bishop of Blois, the only one in London, who remains to us, has the right of

“granting spiritual faculties, on account of the universality of the episcopal jurisdiction\*.”

To prevent the propagation of these principles, equally silly and mischievous, Dr. Poynter required of every French priest, in his diocese, that before the renewal of his faculties, he should sign a declaration, expressing his subjection to Pius the seventh, as “head of the church, and his being in communion with all those, who were united in communion with Pius the seventh, as with members of the church.” All the Blanchardists refused to sign this declaration.

Some other French priests also refused to sign it: they intimated that Pius the seventh was in communion with some French prelates, who had accepted the civil constitution of the clergy promulgated by the national assembly of France, and had been intruded into the sees of the lawful prelates; that thus they had contracted the guilt of schism: and that, as they never had retracted their adherence to the constitution, or testified any repentance of their conduct, they still were schismatics, and were not therefore members of the church.

They further contended, that, even admitting this not to be the case, still, the circumstance whether Pius the seventh was or was not in communion with persons who were not members of the church, was not a matter of faith, but a mere matter of fact, and therefore left by the church to the judgment of every individual. Yet,—as bishop Poynter had formally pronounced upon it, they conceded that a respectful silence upon it might be expected from them: and this silence they were willing to promise. While they held this language, they took care to mention that they were unconnected with Blanchard, and held none of the positions in his writings which had been censured.

\* *M. Poynter échouant dans sa tentative pour amener le clergé de Français, résident dans son district, aux innovations qu’il projette, &*

Dr. Poynter, however, continued his injunction in force. He transmitted to Rome a full account of his conduct. The pope addressed to him a letter, dated the 16th of September 1818: his holiness expressed in it his full approbation of Dr. Poynter's conduct; and ordered him to make this known to the non-subscribing priests. This was done, and the greater part of them immediately signified their obedience to the holy see, and subscribed the formulary \*.

#### I. 4.

#### *Charge against Dr. Poynter of unveiling retired Ladies.*

It is impossible not to express both surprise and concern at Dr. Milner's patronizing this idle charge, unworthy of him, and unworthy even of the slightest man. The following is the true statement of the circumstance, which gave rise to the charge.

A few weeks before Dr. Poynter set off on his journey to Rome, he applied to government in favour of some distressed English communities, who had taken refuge in this country, for a continuation of the succours, or pecuniary allowance made by the British government to the French emigrant clergy, of which these venerable English exiles had been allowed to participate. On the restoration of Louis the eighteenth, France was open to all the emigrants, and the British government signified that the general succours should be discontinued. Upon this, Dr. Poynter applied to the government for a continuance of those which had been allowed to these distressed English communities. It was intimated to him, that, in consequence of the recent change of circumstances, it would be prudent, as a temporary sacri-

† See *Jugement de l'Eglise Catholique, contre les Nouveaux Schismatiques en France; par un ancien Vicaire Générale.* 8vo. Paris, ch. iii.

lice to popular feeling, that the members of those communities for whom this relief was prayed, should abstain, for a time, from exhibiting to the public their religious appellations, and the external marks of their religious state: Accordingly, on the eve of his leaving England for Rome, Dr. Poynter gave instructions to the reverend Dr. Rigby, his grand-vicar, and to the reverend John Griffiths, that, if circumstances should appear to render it necessary, they should direct the religious ladies in the London district, who stood in need of these succours, to change their religious dress.

In compliance with these directions, Dr. Rigby, a few days after Dr. Poynter had quitted England, signified this to the ladies whom it concerned.—Such was the “unveiling of retired ladies,” about which there was such a silly and shameful outcry at the time when it took place.

I. 5.

*Charge against Dr. Poynter for patronizing the Bible Society.*

THE real origin and object of the roman-catholic board, in their publication of a new edition of Dr. Chaloner's version of the New Testament,—called in this place by a strange misrepresentation,—“The Patronage of the Bible Society,” are expressed in the concluding paragraph of Dr. Poynter's preface to that version:—We shall therefore transcribe it in this place. “With a view  
“of facilitating the means of religious instruction among  
“the roman-catholics of Great Britain, the English  
“catholic board proposes to raise a fund for the pur-  
“poses of printing and circulating, at a very cheap rate,  
“an approved edition of the catholic version of the  
“sacred scriptures in English, especially of the New  
“Testament, with notes. It is moreover the intention

“ of the catholic board, if the fund to be collected, be  
 “ found sufficient for the purpose, to extend its plan,  
 “ and to provide means of supplying, for the benefit of  
 “ the poorer catholics, cheap editions of the most ap-  
 “ proved books of piety and religious instruction.”

## I. 6.

*Charge against Dr. Poynter for not proceeding against  
 the Cisalpine Club.*

SEVERAL accusations have been brought forward by Dr. Milner against the Cisalpine Club. He describes it as an “ antipapal club,—under fourteen printed rules.” The professed object of it is, he says, “ to oppose the  
 “ alleged usurpations of the pope, and the tyranny of  
 “ the vicars-apostolic.”—We shall transcribe that resolution of the club which describes its object, and leave the reader to judge, whether Dr. Milner’s statement of it be accurate.

“ At a meeting of the Cisalpine club, held on the 8th  
 “ of April 1794, the honourable George Petre in the  
 “ chair, it was resolved unanimously, first, That the in-  
 “ stitution of the Cisalpine club arose from the con-  
 “ viction, as well of those gentlemen who were the  
 “ original members, as of those who have since been  
 “ admitted into it, that it would be highly beneficial to  
 “ the interests of the English catholics, that some of  
 “ them should from time to time meet, in order to watch  
 “ and improve any opportunities that might offer, to  
 “ advance their further emancipation, but without the  
 “ most distant pretence of assuming to themselves any  
 “ degree of power or authority whatever; much less with  
 “ any intention of interference in spiritual concerns.  
 “ Second,

“ That the fundamental principle of this club, has  
 “ ever been and is, their firm and entire adherence to



“ the protestation\* which they in the year 1789 did, in  
 “ common with the rest of the English catholics, sign  
 “ and present to the legislature, as a pledge and test of  
 “ their loyalty to the king, and to the established con-  
 “ stitution of their country: an instrument which they  
 “ consider as the bond of reconciliation between them  
 “ and their protestant fellow-subjects; the basis, under  
 “ Providence, of that relief which they lately received;  
 “ the foundation of their future hopes, and to which they  
 “ are happy thus again solemnly to declare their full and  
 “ determined adherence. Third,

“ That this club did assume the name of Cisalpine  
 “ as a mark of their opposition to those encroachments  
 “ of the court of Rome on the civil authority, against  
 “ which their catholic ancestors had been obliged re-  
 “ peatedly to guard, and their abhorrence of the doc-  
 “ trines of the deposing and dispensing powers of the  
 “ pope, as stated and disclaimed in the protestation;  
 “ doctrines which have, for above a century, been dis-  
 “ tinguished by the names of Ultramontane and Trans-  
 “ alpine.”

\* The story of lord Petre’s retraction is entitled to no credit.—  
 It amounts, on the face of it, to nothing.—*It is possible* that his lordship  
 made some declaration, that, *if* he had said or written any thing con-  
 trary to the faith or discipline of the roman-catholic church, he was  
 sorry for it and retracted it. This is no more than what every member  
 of the roman-catholic church should have an habitual willingness to  
 profess:—or more than he in fact professes, when he pronounces,  
 with a proper spirit, the article of the creed, “ I believe the holy ca-  
 tholic church:”—But such a declaration—if lord Petre made it—  
 does not amount to an admission, that, *he had either said or written*  
 any thing contrary to catholic faith or discipline.—This makes the  
 difference.

## I. 7.

*Mr. Butler's Letter to the Catholic Prelates of England and Scotland, assembled at Durham, 1811.*

WHEN all the catholic prelates of England,—(excepting Dr. Milner), and all the catholic prelates of Scotland, were assembled at Durham, in 1811, *the writer addressed to Dr. Poynter,—desiring him to communicate it to the other prelates,—a letter, of which, so far as it respects himself the following is a literal extract:*

“ My Lord,

“ Understanding your lordship is likely soon to meet  
“ Dr. Gibson, Dr. Collingridge, and Dr. Smith, I beg  
“ leave to trouble your lordship and them with the fol-  
“ lowing declaration. I make it upon the honour of a  
“ gentleman, and with all the sincerity and solemnity,  
“ with which a Christian should make a declaration of  
“ the kind.

“ 1st, I assure you and them,—that every charge  
“ brought against me by Dr. Milner, in any of his  
“ former or recent publications, is either absolute inven-  
“ tion,—(which applies to the greatest part of them)—  
“ or absolute falsehood,—or that misrepresentation,  
“ which amounts to falsehood.—I do not except one  
“ single charge :

“ 2dly, Particularly in respect to the protestation ;—  
“ not one word of it, as it stood originally, or was sub-  
“ sequently corrected, was suggested by me ;—I knew  
“ nothing of it, or of any protestation's being in con-  
“ templation, till I received it from two members of the  
“ committee, with their directions to send copies of it  
“ to the four vicars-apostolic ;—which was immediately  
“ done.

“ The control and direction of the measures of the

“ committee, and of the catholic concerns in general,  
 “ which Dr. Milner ascribes to me, is an absolute chi-  
 “ mera.

“ 3dly, On the veto I have nothing to say in addition  
 “ to what I have published in my Letter to an Irish  
 “ Gentleman :—Not one word of which Dr. Milner has  
 “ refuted\*.

“ 4thly, I have only to add that, in all my literary  
 “ publications, it has been my earnest wish to recom-  
 “ mend the roman-catholic religion; and I believe it  
 “ impossible to extract a single line from any of them,  
 “ contrary to the faith or discipline of the roman-ca-  
 “ tholic church, or to any opinion which the general  
 “ body of pious catholics respect.—If *any such* should  
 “ be pointed out by any one of your lordships, I will  
 “ most certainly retract it without arguing on it, and this  
 “ has ever been my disposition.

“ My lords, with the greatest respect,

“ I have the honour to be,

your lordships

most obedient humble servant,

Aug. 13, 1811.

CHARLES BUTLER.

\* This letter does not contain a single word in defence, either of the lawfulness or the expediency of the veto ; its sole object is to show, that the fifth resolution did not bind those, who signed it, to the veto,—or to any specific measure.

NOTE II; referred to in p. 179.

*Letter of Monsignor Quarantotti to Dr. Poynter.*

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1. Copy of a Letter from Monsignor Quarantotti to Dr. Poynter, V. A.; dated Rome, 16th Feb. 1814.

Most illustrious and right reverend Lord,

WITH great pleasure we have learned, that a bill for the emancipation of the catholics of your flourishing kingdom from penal laws, which was proposed in the last year, and lost by a small minority, may probably be again presented in this session of parliament. It is our ardent wish, that this act, so much desired, may at length be passed; and that the catholics, who have ever given such distinguished proofs of their obedience and fidelity, may at length be delivered from the heavy yoke by which they have so long been oppressed: and that, without any detriment to their honours or estates, they may give full scope to those exertions, which both religion and the good of their country require of them: And this may be surely expected from your most beneficent sovereign, and from that illustrious nation, which on former occasions, and especially in these latter times, has acquired so much glory in the estimation of the whole world for its equity, prudence, and other virtues. And since it has been represented, that among the bishops certain questions and differences have arisen, relative to the conditions on which the catholics are to be placed on an equality with their fellow-subjects, We, who, in the absence of the supreme pastor, are placed over the concerns of the sacred missions; and, for that purpose, are invested with full pontifical powers, have thought it incumbent on us to remove every ambiguity and obstacle which might impede so desirable a con-

oiliation; and by the authority and consent of the holy see, to supply such faculties as do not come within the ordinary limits of episcopal jurisdiction, Having, therefore, taken the advice of the most learned prelates and divines, having examined the letters which have been transmitted to us both by your lordship and the archbishop of Dublin: and the matter having been maturely discussed in a special congregation, it is decreed, that the catholics may, with satisfaction and gratitude, accept and embrace the bill which was last year presented for their emancipation, in the form in which your lordship has laid it before us. One point only requires some explanation; and that is, the second part of the oath, by which the clergy is so restrained, as not to be permitted to hold any correspondence with the sovereign pontiff and his ministers, which may, directly or indirectly, subvert, or in any way disturb the protestant government, or church. It is evidently, by divine authority, the special duty of the ministers of the church every where to propagate the catholic faith (the only faith which can lead to eternal felicity), and to refute erroneous doctrines. This is taught by the precepts of the gospel, and by the example of the apostles and their successors. Now, should a catholic convert any protestant to the orthodox religion, he might be deemed guilty of perjury; as, by such conversion, he might seem, in some sort, to disturb the protestant church. Understood in this sense, the oath cannot lawfully be taken, as being repugnant to the catholic faith. If, on the other hand, it be the meaning of the legislators—that the ministers of the catholic church are not forbidden to preach, instruct, and give counsel, but are only prohibited from disturbing the protestant church or government by violence and arms, or evil artifices of whatever kind, this is just, and entirely consonant to our principles.

To you, therefore, it belongs, with all humility and earnestness, to supplicate the high court of parliament, that in order to quiet and secure the consciences of the catholic clergy, it will affix some modification or declaration to this clause in the oath ; which, removing every ambiguity, may leave them the liberty peacefully to preach and to persuade. In case the bill be already passed, containing the same words, or that nothing in it is allowed to be altered, let the clergy acquiesce ; and it will be sufficient for them publicly to declare, that this, and this only, is the sense in which they have sworn to it, so that nothing in the oath may be adverse to orthodox doctrine ; and, that this protest may be generally known, and be for an example to posterity, this construction of it shall be publicly recorded. It were to be wished, likewise, if it can be obtained, that a declaration should be made by some of the members of parliament, that government requires the oath from the catholic clergy in this sense, and no other. Other clauses, which you mention as contained in the same bill, may be submitted to by the indulgence of the apostolic see.

That the king should desire to be certified of the loyalty of such as are promoted to a bishopric or deanery, and should be assured that they are endowed with such qualities as become a good subject ; that, to investigate these particulars, he should likewise appoint a committee to inquire into their moral conduct, and make a report to his Majesty, as your lordship has given us to understand is the case ; that for this very same reason, the king should require that foreigners, and those likewise who have not resided five years in the kingdom, should be excluded from such dignities ;—all this, as it regards only what is within the competence of civil authority, may be deserving of every toleration. It is highly proper that our prelates should be agreeable and acceptable to

the king; that they should exercise their ministry with his full consent; in fine, that their probity should be evident even to those who are not in the bosom of the church. For a bishop (as the apostle teaches, 1st epistle to Timothy, iii. 7.) *should have a good report of them who are without.* On these accounts, by the authority vested in us, we allow that those who are designed for a bishopric or deanery, and are proposed by the clergy, be admitted or rejected by the king, according to the proposed bill. Therefore, after the clergy have, in the usual manner, chosen those whom they shall have judged in the Lord to be worthy to be exalted to those dignities, in Ireland the metropolitan of the province, in England and Scotland the senior apostolical vicar, shall announce them to the committee for the royal approbation or dissent. If the candidates be rejected, others shall be proposed, who may be pleasing to his Majesty; but, if approved, the metropolitan or apostolical vicar, as above, shall send the act of their election to this sacred congregation, which, having weighed with care the merits of each individual, shall apply to the sovereign pontiff for canonical institution. We observe likewise, that it is the office of the said committee to examine any letters which are sent to any of the clergy of Great Britain from the ecclesiastical powers, and diligently to inquire whether any thing be contained therein which may be obnoxious to the government, or in any way disturb the public tranquillity. Since communication with the head of the church in spiritual and ecclesiastical concerns is not prohibited, but the inspection of the committee regards only matters of civil policy, this likewise ought to be acquiesced in. It is good that the government should not entertain any suspicion concerning our communications.

What we write can be laid open to all; for in no way do we interfere with civil concerns: our attention is

directed to those things only, which appear to be required by the divine and ecclesiastical law, and by the salutary regulations of church discipline. Those matters only shall be kept secret, which affect the internal tribunal of conscience: but for this we see it is sufficiently provided by the clauses inserted in the same bill; and we are well persuaded that your wise government, while it is intent on preserving public security, will, by no means, exact that the catholics should depart from their religion; nay, is rather pleased that they faithfully adhere to it; for this holy and divine religion is friendly to public authority, gives stability to thrones, and makes subjects obedient, faithful, and emulous of their country's welfare. Nothing, therefore, can be more gratifying and delightful to the apostolic see, than that between the government and its catholic subjects there should exist an entire concord, and a mutual confidence; that the ministers of the state should never be able to doubt their loyalty, obedience and attachment; and that the catholics themselves should be devoted to their country, with every effort of zeal, candour and alacrity. We therefore exhort all, in the name of the Lord, and especially the bishops, to lay aside contention; and, for the edification of others, unanimously to adopt the same sentiments, that there may be no room for schism, nor any injury be done to the catholic cause: but that, if the bill shall be passed, by which the catholics shall be freed from the penal restrictions by which they are now held, they not only embrace it with entire satisfaction, as has already been said, but express the strongest sentiments of gratitude to his Majesty and his most august council, for so great a benefit; and by their conduct, prove themselves worthy of it. In conclusion, We request of your lordship, that you will cause this letter to be communicated to all the bishops and apostolical vicars in the kingdom; and, trusting



that they will promptly and entirely conform themselves to these things, which from the power vested in us have been decreed, We beseech the Lord God Omnipotent to preserve your lordship for a length of years; and, at the same time, I profess myself bound to you by every consideration; and am

Your most devoted servant,

(Signed) J. B. QUARANTOTTI, Vice Prefect.

(Signed) *Michael Adeodatus Galeassi*, Substitute.

Given at Rome, from the Chambers of the Congregation for the propagation of the Faith,  
16th February 1814.

To the Right Reverend William Poynter,  
Lord Bishop of Halia, Vicar Apostolic  
in the London District.

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NOTE III; referred to in page 179.

*Address to his Holiness Pope Pius the Seventh, as resolved at a Meeting of the General Board of British Catholics, June 17, 1814.*

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Right honourable the Lord Clifford in the Chair.

Most Holy Father,

WE, the undersigned members of the catholic church in Great Britain, beg leave to approach the sacred feet of your holiness with our most humble and sincere congratulations on the happy restoration of your holiness to your city of Rome, and with assurances of the deep and unalterable respect and veneration, which we feel for your sacred person and character.

If we have seen, most holy father, with long and bitter regret, the cruel captivity and unprovoked seve-

rities under which your sacred person has for so many years languished; permit us also to say, that we have viewed, with affectionate veneration, the meek and unshaken courage, with which the chief pastor of the church of Christ has opposed the impenetrable armour of the faith, to the fiery darts of the enemy; setting to the world at large, and to the faithful in particular, a shining example, which we in humility hope we shall ever be ready to follow.

Manifold and severe have been, in these latter days, most holy father, the trials by which it has pleased the Almighty, that his church should be proved: on the altars of her temples, from which the cross of Christ had been torn down, shameless profligacy has been exalted in impious triumph. The blood of her priests and prelates, venerable from age and sanctity, has, without even a pretence, been poured out on the soil of our neighbouring country. The sacred persons of her pontiffs have been contumeliously dragged from prison to prison, deprived of the necessaries of life; and, when the sword was weary of destroying, thousands of her innocent clergy were driven with blows and curses into vessels, which placed them, destitute of money, of raiment, and of food, on the shores of this country. Those fools, who said in their hearts, there is no God, hoped, that in a land disjoined from them by a long animosity, yet further removed by difference of faith, these blameless confessors might meet, if not a speedy termination of their miseries, the long protracted torment of unnoticed, unpitied, though consuming want. Fools! they knew not how, under every form, they who call on the name of Christ, are bound by a golden chain, knit by the hand of God, and which the utmost force of man or demon cannot break. Every heart was moved with a charity truly christian; every hand was stretched out to raise from the ground their wounded and languishing

brethren: and it is not to be doubted, that these exiled and suffering men, by their most exemplary purity of manners and touching gratitude, conferred, in their turn, on our generous countrymen, a benefit of no small account; they inclined the hearts of their benefactors to a more just estimate of the merits of a church, which had for a long series of years been the object of their terror and abhorrence, and we hope, drew down from Heaven the peculiar favour which has exempted from the horrors and miseries of invasion this happy land, and has placed in those hands, which were open to shower on their suffering brethren the fruits of their own enterprising industry, that force which has nerved the arm of Europe, nearly sinking under the monstrous power of the oppressor, and enabled it at length to shake off the disgraceful yoke, and, by the restoration of order give peace to a bleeding world.

For ourselves, most holy father, we acknowledge, with deep gratitude to the Author of all good, that we have not only been exempt from the peculiar and awful trials of the church in these days, when the abomination of desolation had entered the holy places, and seemed to threaten the extinction of the very name of Christ; but have seen ourselves, by successive acts of the legislature of our country, under the mild and enlightened sway of our revered monarch, admitted to the name of Britons; secured in the enjoyment of our property; and permitted, without the dread of death, exile, perpetual imprisonment or confiscation, to offer our supplications at the throne of mercy, and perform the sacred duties of the holy religion we profess. From any participation in the legislative or executive branches of our government, from all offices, civil and military, we still however remain excluded; and, if we continue our strenuous exertions, to obtain from our country a full enjoyment of those rights, so peculiarly valuable to Britons, we

trust that we are not actuated by meaner motives, but by the wish to render ourselves useful to our country, by the exertion of the various talents we possess in her service, and the conscientious discharge of that high debt, which every man owes to the state, of which he is a member, and by the anxious and earnest desire to be united to our fellow citizens by every tie of affection and confidence, and to see the mists of prejudice removed, and our faith no longer branded with the imputation of superstition and idolatry.

With these great objects constantly in our view, we have not fainted in our course, though obstacles equally distressing and unforeseen have opposed themselves to us. In those days of mourning, when we saw the head of our holy church despoiled of his possessions, driven from his see, his clergy dispersed and destitute, himself a prisoner in an unknown dungeon, we were told, not without triumph, by some of our adversaries, that "*Babylon was no more, and the reign of Antichrist was at an end.*" To these taunts we answered not, but looked forward with confidence unshaken, though silent, to that day, when He who founded his church on a rock, should lay the storm which beat furiously over it, and shew it again to the world unshaken and unimpaired. To those who still continued to charge us with want of faith to persons differing from us in religion, who told us that our most solemn oaths of loyalty to our king, and fidelity to our country, were but an impious mockery; for that a power existed, whose word could make it not merely an innocent, but a meritorious act to break them—our conduct has been our answer. They who thus revile us, have seen us uniformly obedient to the laws and rulers of this realm, and anxious to give every pledge of our civil fidelity to our country; but, by our steady refusal of those oaths and declarations which interfered with our religion, and our patient and long suffering

of privations the most important as well as the most humiliating, fully proving, that we held a strict adherence to our sworn truth—a duty which no power on earth could suspend or absolve us from.

These imputations on our church, from persons who had viewed her with those long rooted prejudices, which had prevented them from ever examining her doctrines, gave us less pain, most holy father, than the reproaches which were poured on us by some of our own brethren, who ceased not to accuse us as apostates, and ready to sacrifice our faith to the acquisition of worldly advantages, and, for temporal to barter the eternal. Conscious that there was not one amongst us, who would not have turned with disdain and horror from him, who could have proposed to us this impious and foolish traffic ; certain that we might render to Cæsar the things that are Cæsar's, without ceasing to render to God the things that are God's ; and not forgetting, that our divine Master ordered his disciples to fulfil the one as well as the other of those high duties, we were not affrighted by the menaces of those our bosom enemies. And, we have lately with unspeakable joy received from these venerable men, to whom your holiness had in your absence delegated the power of inquiring into, and sanctioning by their approbation, the conduct of the faithful, a rescript, in which, after a full examination, they declare their decided sense of the blamelessness of our conduct, and use the most cordial expressions of respect and thanks to the legislators of our country, who had by the bill, proposed last year in parliament, intended to remove all impediments to the union of British hearts and hands in the common cause, and for the common good of our native land. To the sentiments contained in this rescript, we have given our fullest and most unequivocal assurances of adherence and respect ; and we have exhibited the document to

our countrymen, as containing the most decided proof, that no part of our submission to, and union with the apostolic see, can be construed to interfere with our loyalty to our country, and our allegiance to our sovereign; confident that, on the return of your holiness to the free exercise of your apostolic functions, we shall receive the assurance, that these venerable depositaries of your authority, during your captivity, have spoken the genuine and full sentiments of your holiness's paternal heart, towards the faithful of these countries.

We cannot, most holy father, contemplate, without emotions of the most lively joy, and sentiments of the most humble gratitude to the great Disposer of all events, and the Giver of all good gifts, the prospect of peace and union among all the nations of the earth, after the long years of misery and oppression which we have witnessed. The restoration of your holiness to that most venerable throne, on which your long tried virtues and sufferings shed a new lustre, is as it were the crown of all these mercies.

To our most humble and fervent thanksgivings for these happy events, which have come to pass in a mode which human wisdom could not have foreseen, nor human power compassed; to our prayers, that the inestimable benefits now conferred on us may not be withdrawn from us and our children by our own unworthiness, we add our constant supplications to the throne of grace, for the prosperity and happiness of your holiness. Long, most holy father, may your wisdom guide, and your virtues adorn the church of Christ, over which the divine Providence has placed you! In these wishes, in these vows of your health and felicity, we speak the voice of all Europe; but, as Britons, we feel a peculiar tie of gratitude to your holiness! Against us the peculiar hatred of your holiness's oppressor was directed; the steady and inflexible refusal of your holiness, as the

common father of Christendom, to declare war against this country, drew on your sacred head the peculiar vengeance of the tyrant: with what united sentiments of affection and veneration do we now, therefore, approach your sacred feet, and offer our praises, our thanks, and our prayers, for the chief pastor of the church of Christ!

*Clifford, Chairman,  
Edward Jerningham, Sec.*

On the 25th of February 1815, the subjoined answer from his holiness was transmitted to the board, accompanied by the following communication from the rev. Mr. Macpherson, agent for the British catholics in Rome.

SIR,

I HAVE the honour to inform you, that the address of the catholic noblemen and gentlemen of Great Britain, was most graciously received by his holiness, Pius the seventh; and, along with this, I enclose his holiness's answer.

I have the honour to be, &c. &c.

*P. Macpherson.*

To Edward Jerningham, Esq.

Secretary of the Board of British Catholics.

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NOTE IV; referred to in page 179.

*Answer of his Holiness Pope Pius the seventh.*

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To our dear Children, the Catholic Inhabitants of Great Britain.

Beloved Children, Health and Apostolic Benediction!

THE singular love and high respect towards the see of Rome, which are evinced in every part of the letter we have lately received from you, have not only con-

firmed, but increased, the constant opinion we entertained of your piety and religion. Your pious concern for our troubles, and most affectionate congratulations on our return, we have received with the greatest pleasure, and shall ever preserve the recollection of them with a grateful heart.

We, on our part, congratulate you, beloved children, that the condition of yourselves, and all catholics in your parts, is also ameliorated. By the integrity of your conduct, and your obedience to the just laws of your country, you have shown that the accusations under which you have heretofore so severely suffered, were calumnies thrown out against the catholics.

But, being desirous to further the laudable and earnest desire, with which you are inflamed, of serving your country, not only in heart and mind, but also by active service (consistently as certainly is your resolution with the principles of your religion), the rescript which, during our absence, and the dispersion of our venerable council, was on the sixteenth day of January last issued, and sent to you by our beloved son, the secretary of the *propaganda*, inasmuch as it turns on a matter of the highest moment, we have given, as you already know, to those of the congregation of our venerable brethren, the cardinals, to whom matters of this nature are usually referred; in order to be examined by them maturely, and *ab integro*; we, however, entreat you to be persuaded, that in this important matter we shall most willingly comply with your wishes, as far as the dignity, the purity, and the integrity of the catholic religion will allow.

As to the rest,—our own attachment to your country, and your conduct in respect to her, make us confidently hope, that you yourselves will experience that humanity, which is the peculiar character of your nation, and which all Europe has lately experienced, in her delivery



from the yoke of the most oppressive slavery, chiefly obtained by the wisdom, the wealth, and the arms of England.

In the mean time, most beloved children, be particularly careful to avoid every thing which can give the power, to whom you are subject, just causes for blaming you.

Promising this to ourselves, from your wisdom and prudence, we most affectionately impart to you our apostolical benediction—a pledge of our special love.

Given at Rome, at St. Mary Major, under the Ring of the Fisherman, on the 28th day of December 1814. In the fifteenth year of our pontificate.

DOMINICUS TESTA.

NOTE V; referred to in page 180.

*Copy of a Letter from Cardinal Litta, Prefect of the Congregation de Propagandâ Fide, to Bishop Paynter; dated Genoa, 26th April 1815.*

Most illustrious and most reverend lord,

YOUR lordship has lately informed me of your speedy return to England, earnestly intreating me, at the same time, to put you in possession of his holiness's ideas respecting the conditions that would be allowed, with a view of enabling the catholics to obtain from the government the wished-for bill of emancipation. His holiness, before whom, in compliance with my duty, I have laid the whole transaction, having been again compelled by the present unexpected conjuncture, to absent himself from Rome before he was able to finish the examination of that affair, which he had begun a long time since, is

unwilling, consistently with his eminent prudence, to pronounce his final sentence concerning a matter of such great moment. He has, however, been pleased to communicate to me his sentiments with regard to the only terms, which, after rejecting all those that have hitherto been proposed, his dear catholic children of Great Britain may admit with a safe conscience, should the bill of their emancipation, as has long been expected, have passed. For his holiness is confident, that the august king of Great Britain, as well as the most serene prince, son to the king, agreeably to that signal clemency and wisdom, with which they are endowed, and prompted by the native generosity of their minds, will doubtless add fresh favours and benefits to those already conferred upon the catholics, particularly as they have always found them most loyal and most willing to suffer, under God's protection, the greatest dangers, rather than to be anyways wanting to their duty towards their renowned king.

The subjects which come now to be taken into consideration, namely, those which the said government for the tranquillity and security both of themselves and of the state, so far as the catholic subjects are concerned, appear anxious to settle on a firm footing, are these; The oath of allegiance to be taken by them, the manner of appointing bishops to vacant sees, and the examination of all rescripts, or briefs, and ordinances from the supreme pontiff, previous to allowing them to be acted upon.

As to the first point: His holiness is willing to believe, that the British government is not disposed to exact from the catholics, any other oath than such a one as shall indeed afford full security to the government, respecting the loyalty and obedience of the catholics, but shall not, in any manner, either be at variance with the principles of the catholic religion, or hurtful to that

most holy religion of Christ. In the event of the emancipation, so it be favourable to the catholics in general, his holiness will permit them to adopt for their oath any of the three forms following, which the government may prefer. For as each of them is well calculated to answer both ends proposed, the government cannot but acquiesce in them.

The first runs thus:—I swear and promise, on God's holy gospels, obedience and loyalty to the royal majesty of George the third; I likewise promise not to hold any communication, or to be present at any deliberation, or to keep up any suspicious commerce, either at home or abroad, that may be injurious to public tranquillity; and if, in or out of my diocese, I should learn that any matter dangerous to the state is in agitation, I will inform the government thereof.

The second might be worded thus:—I swear and promise to conduct myself loyally, and to be entirely subjected and obedient to his majesty George the third; not to disturb by any means the peace and tranquillity of this realm; nor afford help and assistance to any person that shall, either directly or indirectly, be against his majesty and the present government of England.

For the third form is proposed:—I swear and promise obedience and true fidelity to our most beloved lord George the third whom I will defend to the best of my ability against all conspiracies, attacks or attempts of any kind, directed against his person, crown and dignity, and I will disclose them to his majesty, should I ever learn that such are plotting against him or them, I likewise faithfully swear and promise to preserve, protect and defend, as much as in me lies, the succession to the crown in his majesty's family, against any person or persons, whether in or out of the kingdom, that may claim or pretend a right to the crown of this kingdom.

Thus much respecting the oath. Let us now consider the election of the bishops. On this head his holiness above all things exhorts, and peremptorily orders, those who usually appoint to the vacant sees persons to be proposed and recommended to the holy see, to employ the utmost care and circumspection, not to admit into the number of candidates any but such as, beside the other pastoral virtues, possess, in an eminent degree, prudence, love of quiet, and loyalty. In the next place, although any of the proposed forms of oath to be taken by the bishops newly elected, might afford abundance of security to the government, nevertheless, to their more ample satisfaction, his holiness will feel no hesitation in allowing those to whom it appertains, to present to the king's ministers a list of candidates, in order that if any of them should be obnoxious or suspected, the government may immediately point him out, so as that he may be expunged, care however being taken to leave a sufficient number for his holiness to choose there from, individuals whom he may deem best qualified in the Lord for governing the vacant churches.

As soon as the British government shall have promulgated in due form their bill of emancipation, consonantly with the ideas of his holiness, just stated, and which I believe are already known to the British government, his holiness purposes on his part to address a proper brief to all the bishops and faithful catholics of Great Britain, with a view of not only proclaiming to the whole world his grateful sense of the clemency and generosity displayed by the most powerful British government, but of exhorting the catholics themselves to exert their utmost endeavours in proving loyal subjects, especially after having received this fresh favour, and he intends finally to give solemn permission to the catholics respecting the points above stated, relative to the election of bishops.

*As for the examination of the rescripts, to which I have alluded above, or what is called the Regium Exequatur, it cannot even be made a subject of negotiation. For your lordship well knows, that, as such a practice must essentially affect the free exercise of that supremacy of the church which has been given in trust by God, it would assuredly be criminal to permit, or transfer it to any lay power, and indeed such a permission has never any where been granted. If some, and even catholic governments, assume such rights, this is to be referred to the abuse, not to the right exercise of legitimate power, which abuse the holy see, to prevent greater evils, is forced to bear and tolerate, but cannot by any means approve. That, however, both the public tranquillity and his majesty need apprehend no injury or danger from that indispensable independence in England of the supreme head of the church, in tending and instructing his flock, might be proved by several irrefragable arguments, which, as they are generally known, it would be useless to repeat. Suffice to mention, that there exist instructions for regulating the conduct of the bishops and apostolic vicars, which are contained in the first article of the *Questionarium* published by the propaganda, (or the holy congregation for the propagating the faith), and by which they are severally prohibited from adverting, in the reports concerning their churches which they are obliged to send in to the holy see, to any political matters whatever. Confident hopes may therefore be entertained, that the government will not persist in their demand, inasmuch as the church cannot give up its right, and as the exercise of such a right, according to the uniform testimony of experience, does not in the least interfere with the government.*

Thus much I have judged it incumbent upon me to state to your lordship, that you may govern yourself accordingly.

Meanwhile, I pray to God Almighty, from my inmost heart, to grant you a happy voyage, and abundance of all kinds of prosperity.

I am your lordship's most humble servant,  
*L. Cardinal Litta,*

Genoa, April 26, 1816.

Prefect.

To the most illustrious and most reverend  
 William Poynter, Bishop of Halia, and  
 Apostolic Vicar of London.

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NOTE VI; referred to in page 181.

*The Pope's Letter on the subject of the Veto,—addressed  
 to the catholic Prelates of Ireland.*

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TO OUR VENERABLE BROTHERS,  
*The Archbishops and Bishops of Ireland.*

PIUS P. P. VII.

VENERABLE brothers, health and apostolical benediction. The perusal of your letter delivered to us by our venerable brothers, Daniel, archbishop of Hierapolis, coadjutor of the archbishop of Dublin, and John, bishop of Cork, together with certain resolutions passed with your joint concurrence at a synod held in Dublin, on the 23d and 24th days of August, of the last year, 1815, has impressed our mind with a deep sense of concern. For we, having openly declared the conditions to which we could assent, in case the expectation excited by the government of granting emancipation should be realized, imagined, we had, as far as in our power lay, removed the difficulties which opposed the emancipation of the catholics of the kingdom of Great Britain, and, in a certain degree, had prepared a way for the obtainment of a benefit, so long and so earnestly looked for. With this

hope, and relying on it with certain confidence, we gave instructions to our venerable brother Laurence, bishop of Sabina, cardinal of the holy Roman church, and prefect of the congregation *de Propagandâ Fide*, to communicate our sentiments in a letter to our venerable brother the archbishop of Dublin, through whom they might subsequently be made known to your whole body also, which has been performed by him according to the instructions received from us. With what pain then do we find it expressly declared in your letter, that the expedient which, amongst others, we signified that we would follow, for satisfying the government of the loyalty of those to be elected bishops, not only did not meet your approbation, but appeared to you to threaten destruction to the catholic religion in Ireland! Wherefore, in conformity with our duty, we dispatch the present letter to you, for the purpose of effacing from your minds the not sufficiently well-founded opinion which you appear to entertain, in regard to the expedient above alluded to. We trust that God, and our Lord Jesus Christ, whose vicar on earth, though from no merits of our own, we glory in being, will give from above such force to our words, that the weighty reasons which we are about to lay before you, shall so affect your minds, as to induce you to lay aside all anxiety relative to the expedient, already stated as approved of by us.

It is necessary, therefore, venerable brothers, that you should bring distinctly to your recollection, the point of the expedient proposed by us, which has caused you so much fear and anxiety. When it became incumbent on us to adopt some method by which, after the law granting emancipation should be passed, the government might be satisfied of the loyalty of those to be chosen bishops, of which those at the head of it entertained very groundless indeed, but very serious apprehensions, what did we propose? Was it, that under the obligation

of a convention, or by any other mode, or in any other form to be submitted to, perhaps if not strictly eligible, the right of *nomination, of presentation, of postulation*, should be granted to government, so that those administering it might dictate to us the names of clergymen to be by us appointed bishops in that kingdom? By no means; for while we strenuously adhered to the wise principles of our never-to-be-forgotten predecessor, pope Benedict the fourteenth, relative to the never granting to princes, not being catholics, the privilege of nominating to bishoprics or abbacies, declared by him in a letter written to the bishop of Breslaw, on the 15th of May, in the year 1748, we carried our precautions so far, that we proposed nothing which could with truth be said to convey to the government a power as to the choice of bishops. We only declared that we would grant a certain power of exclusion; and, in order that the power so given might never be turned into a privilege of election, we circumscribed it within certain limits, and, as expressly stated in the letter of cardinal Litta, already quoted, we announced, that what we meant to permit was to extend no farther than this,—“ That those whose province it is, may present to the king’s ministers the list of the candidates, in order that if there be amongst them the name of any person displeasing to, or suspected by, the government, such name may be immediately pointed out and erased; still, however, so that a sufficient number may remain, from which his holiness may freely choose whom in the Lord he may judge more fit for presiding over the vacant sees.” This then is what we proposed to allow, in order that all room for doubt concerning the loyalty of the prelacy should be removed from the mind of government. Its sphere of interference will be, you must perceive, very limited, being confined to this,—that it shall be empowered to erase from the list of candidates to be presented to this holy see for



appointment to vacant bishoprics (which list we allowed should be submitted to the king's ministers for that purpose), the names of any persons whose loyalty may be viewed with suspicion, still, however, with this stipulation and condition, that after the erasure of those names, a sufficient number of candidates shall remain, from which we, and the popes of Rome, our successors, may freely choose him, whom we shall judge of all the most worthy of the episcopal rank and office.

Wherefore, venerable brothers, it is unquestionably evident, that what we have done amounts only to this: we have agreed to act steadily towards the British government, according to the same rule, useful in itself, founded in prudence, which our predecessors, the Roman pontiffs, even before those times when the nomination of bishops was granted to princes, determined, in their wisdom, to maintain as effectually as might be; that is, not to promote to vacant sees, any persons whom they might know to be displeasing to the powers under whom the dioceses to be administered by them were situated; which rule, far from being considered injurious to the church, and far from having brought any evil on it, is justly approved of and praised by all. For it is founded on a principle laid down by another of our most illustrious predecessors, St. Leo the great\*, "that none be ordained bishop without the consent and postulation of the flock, lest an unwelcome intruder incur its contempt or hatred." Now this principle, although literally applicable to the people only, to whose postulations at that time regard was had in the election of bishops; must rightfully be extended to princes, the necessary circumstances concurring, and even to those who are not in communion with us, who, from the nature of their power in temporal affairs, have so easily the means of preventing a bishop, who may be the object of their

\* *Leo Magnus, Ep. 19. Anacrep. 5.*

dislike or suspicion, from the care of the flock committed to his charge.

But you appear to entertain serious apprehensions that, if the power spoken of be granted, the government may successively erase, from the list to be presented to it, the names of those most worthy of the honour of episcopacy, and by this means compel those who shall have the transaction of the business to name the clergyman whom it shall judge most likely to be subservient to its views, and that the destruction of the catholic religion may thence take its rise. Observe, however, venerable brothers, how destitute these your apprehensions are of all reason and all foundation ; remember that the government which, under other circumstances, might be suspected of entertaining projects hostile to the catholic religion, is the same which by laws, especially those passed in the years 1773, 1788, 1791, and 1793, repealed a great part of those penal statutes by which the catholics of the British empire were so grievously oppressed ; remember how often your most excellent king George the third, and his illustrious son, have extended their protection to catholics, and that the British government was amongst the chief of our supporters, in procuring our return to the pontifical chair, and our restoration to our ancient independence in the exercise of those spiritual rights, which the hand of violence had wrested from us. Upon what grounds, therefore, could any one suspect that this same government entertained a design to destroy that most holy religion, which, by its favour and protection, it had so often guarded ? And if certain attempts are still made in your island, to the injury of the catholic religion, these undoubtedly either are the acts of private individuals, or they will altogether cease, as soon as all laws, enacted against catholics being repealed, the latter shall be placed on the same footing as other subjects,

and no objection be farther made to the free profession of the catholic religion.

Now, although it were a thing to be apprehended, which to us appears altogether incredible, that the projects of government were directed to the destruction of the catholic religion, yet the power which we declared ourselves willing to grant, could never be perverted into the means of producing such an effect. For the list in which the names of the candidates are to be contained, will certainly not be made out by the government, but by the care and attention of those, being catholics, who usually propose to this see persons for promotion to the vacant bishoprics of your kingdom, which catholics, excelled by none in their zeal for religion, will insert in their list the names of such ecclesiastics only, as they shall judge best suited for sustaining the weight of the episcopal dignity; but government, according to the condition, which is, as we have mentioned, to make an essential part of our proposed concession, shall be allowed to point out for erasure from the list, not *all*, but *some* only of the names proposed, and be bound to leave a sufficient number, out of which a free election of one may be made by us. So that, although some be rejected by government, yet our selection will still be occupied about such only as, by the suffrage of catholics, shall have been judged the most worthy, and therefore inserted in the lists of candidates, and for this reason it can never happen (provided the condition laid down by us be adhered to, from which, if any deviation be made, the concession itself becomes invalid,) that the government by excluding many in succession, should, at last, compel the electors to the choice of one unworthy of the office, and likely to be subservient to its plans for the destruction of the catholic religion.

This also, venerable brothers, it is right that you should seriously advert to, that it was not possible for

us to refuse this small interference in the election of bishops to the British government, without exciting, in a serious degree, the displeasure of that government towards the whole church. It were indeed to be wished; and it is what we of all others most earnestly desire, that in the election of bishops, we enjoyed that full and complete freedom, which so peculiarly makes a part of our supremacy, and that no lay power had any share whatever in a matter of so much moment. But you yourselves well know, how far we are at present removed from this happy state of things. For the sovereigns of Europe, or many of them at least, have demanded and obtained, from the apostolical see, a greater or lesser share of influence in the nomination of candidates. And hence have arisen the *conventions*, the *in-dults*, the *nominations*, the *postulations*, the *presentations*; and other expedients of this kind, by which the extent of the privileges granted in this way to so many catholic sovereigns, is limited and defined. Even in your islands, before the ever-to-be-lamented separation from the Roman church took place, the bishops were chosen by the pope, upon the *supplication* of the king, as is recorded in the acts of the consistory, held on the 6th of July in the year 1554, during the auspicious pontificate of pope Julius the third\*. Besides, not catholic sovereigns alone, but others also who are separated from our communion, claim a share in the appointment of ecclesiastical persons to bishoprics, situated in those parts of their dominions which yet adhere to the catholic faith; a claim which this see feels it necessary to submit to.

Such being the state of this momentous question, what hope could there be entertained that the British government would long have submitted to an exclusion from a share in appointing the bishops of your island,

\* Apul. Raynaldum ad an. 1554, No. 5 and 6.

even such as it has been explained, while a conduct so different is observed not only to catholic sovereigns, to those even whose dominions are of the smallest extent, but also to princes who do not belong to our communion? Was it not to be feared, that if we had declined adopting the measure already mentioned, the government would not only lay aside all intention of granting emancipation to the catholics, but withdraw from them all favour and protection throughout the whole of its so widely extended dominions.

Moreover an additional motive of jealousy must arise in the mind of government towards us and the catholic cause from this circumstance, that the bishops subject to its dominion, being rendered by the emancipation, supposing it granted, qualified to sit in parliament, new precautions might appear necessary to remove all possibility of doubt concerning their loyalty. We grant, indeed, that no additional pledge of that loyalty can appear necessary to us, proved as it is by the testimony of the experience of so many ages, and the bishops binding themselves to fidelity and obedience towards the government, by the obligation of an oath, according to the second of the three forms which we have proposed; but how is it to be expected that the government will consent to relinquish this additional security for the loyalty of the bishops, which in the case of so many other sovereigns and governments is fully allowed? How can it be imagined that the British government will not conceive itself unfairly treated, by the refusal of this additional security; or that it will not derive from it a motive of doubting the loyalty of the catholics, which unprincipled men are constantly labouring to bring under suspicion? Who can believe that the refusal of even such a return as this for the mighty benefit of emancipation, must not excite deep resentment in the minds of those who are expected to grant it?

For the prevention, therefore, of those evils which were to be apprehended on the part of so powerful a government, no other means appeared to us sufficient, but that of agreeing to those rules relative to the election of bishops, which are mentioned in the letter of cardinal Litta.

Now, with regard to the power which we have expressed an intention of granting, we consider it not only as making part of a fit and wise arrangement of ecclesiastical affairs, which shall be at once not injurious to religion, and a means of averting from it many calamities otherwise to be feared, but also as a likely motive towards the obtainment of emancipation, which has been a principal inducement with us to concede it; desirable as that emancipation is to the catholics, and attended, as it must be, with a large share of spiritual advantages. Turn your thoughts, venerable brothers, to this, and consider it with particular attention, that we, in granting to government the indulgence so often spoken of, have been influenced by no political or temporal motives, but induced solely by a consideration of those benefits and advantages which must flow to the catholic religion from the repeal of the penal laws. For under the operation of those laws, whose severity is to be considered as not falling short of any, even the most grievous of the persecutions, recorded in the annals of the church—what afflictions, what oppressions, was not the catholic religion subject to in your islands? For in Great Britain, as you need not be told, the catholics are reduced to an inconsiderable number, while the succession of the catholic bishops is in a manner destroyed, a few vicars-apostolic alone remaining; but in Ireland, although the legitimate succession of the hierarchy has been preserved inviolate down to the present day; and although the Irish catholics have been ever eminent for a most zealous attachment to our holy religion, yet their

number has been unquestionably diminished by the operation of the penal laws, as a multitude of Irish writers abundantly testify.

That the miserable condition of the catholics in both islands has been greatly relieved by the clemency of George the third, and the repeal in parliament of many of the laws by which they were grievously oppressed, we grant and acknowledge: still, as you well know, many yet remain unrepealed, which press heavily on the catholics of Ireland, and still more on those of England; and from which the evils resulting to the catholic religion, under their operation must, to a certain degree, at least, continue to flow. For which reason the catholics of England, almost all, and of Ireland, at least a great number, entertain a most earnest desire of the total repeal of those laws; and have, as is known to all, repeatedly petitioned for such repeal, in the same manner as, in the early ages of the church, the Christians, making use of St. Justin and the other apologists to explain their wishes, besought the abrogation of the laws enacted against them, which gave rise to the dreadful persecutions which took place in the Roman empire. It may be allowed to hope, that the day is not far distant, when a law corresponding with the wishes of the catholics shall be enacted, which, however, be their right to the obtainment of emancipation what it may, never, certainly, will pass, without our previously granting the privilege in question.

The weight of those reasons, which we have long and duly, in proportion to their high importance, considered, has induced us, after first hearing the council of several of our venerable brothers, cardinals of the holy Roman church, and examining the opinion of other men, eminent for learning and a knowledge of British affairs, to propose the temperament, so fully explained to you, for the settlement of this matter. We saw,

indeed, that an infringement, to a certain degree, was thereby made in the discipline of the church, which claims for the Roman pontiff a complete independence in the election of bishops. But with regard to discipline, who is ignorant that changes may, by the legitimate authority, be made, in compliance with the circumstances of things and times? And this is a principle which our predecessors have uniformly maintained: as an instance of which, a noble maxim of St. Leo the great, particularly occurs to us, as expressed in a letter to Rusticus, bishop of Narbonne\* :—"As there are certain things which can on no account be altered, so are there many which from a due consideration of times, or from the necessity of things, it may be right to modify." We had also before our eyes the rule laid down by our predecessor, Innocent the third, who says†, "It is not to be considered blameable if, in consequence of a change of times, a change of human laws be effected, especially when an urgent necessity, or an evident utility calls for such change." Now, what more powerful reasons, what more momentous circumstances could ever be supposed to exist, than those by which we felt ourselves affected, and which we have not hesitated thus to lay before you? Since, therefore, the privilege offered by us is in itself harmless, and consistent also with all the rules of prudence; since from our refusal of it, heavy calamities, and from our grant of it, the greatest advantages must result to the church (understanding by those advantages the emancipation of the catholics and the restoration in the kingdom of Great Britain, of liberty in all things pertaining to religion), why should we hesitate? What motive could have retarded us from openly declaring our wish to grant the privilege in question, or from relaxing somewhat from the strictness

\* Ep. 167. Edit. Balerin.

† Cap. non debet 3. de consang. et affinit.



of ecclesiastical discipline? We unquestionably judged that we were bound to act on this principle, and saw ourselves placed in such a situation, that we might justly adopt the expressions of our predecessor, Gelasius \* :  
 “We are compelled, by the inevitable dispensation of things, and by a due regard to the maxims of government adopted by the apostolical see, so to weigh the enactment of former canons, so to interpret the decrees of preceding pontiffs, our predecessors, as employing all due and diligent consideration, to regulate as well as may be, all those things which the necessity of the present times may require to be relaxed for the restoration of the churches.”

We, therefore, venerable brothers, entertain no doubt that you all, having considered and duly weighed what we have thus set before you, will acknowledge the measure adopted by us to be most just, and will, in all respects, conform yourselves to it. Let your hearts glow with that zeal for religion with which those truly apostolical men were inflamed, who laboured, with so much solicitude, to recal the Irish nation from the erroneous celebration of Easter, as practised by them in the sixth and seventh ages of the church, and at length, by much labour and many cares, succeeded in establishing in your island, the time of celebration so strenuously vindicated by our predecessors, Honorius the first, and John the fourth. Now, if you shall show yourselves desirous to set an example of docility to others, and, as your wisdom so powerfully enables you, to instruct the people, and allay the rising emotions of their minds; we are fully persuaded that the benefit of emancipation being once granted, the long and stormy periods, during which religion has suffered a persecution so tedious and so severe, will be followed by days of peace, replete with tranquillity and all other bless

\* In Epist. ad Episcopos Lucania.

ings. Such days, venerable brothers, our prayers most ardently solicit for you, entertaining, as we do towards you all, the tenderest feelings of love and charity, in return for your merits towards the catholic church, and for the zeal and reverence you have ever manifested to this apostolical see. In pledge whereof, and with the strongest expression of our dearest regard, we hereby bestow on you, our venerable brothers, and on the whole Irish people, our apostolical benediction. Dated Rome, at St. Mary Majors, February 1, 1816, in the sixteenth year of our pontificate.

PIUS P. P. VII.

Agreeable to the manuscript, so far  
as above given,

J. THOS. TROY, R. C. of Dublin.

## NOTE VII; referred to in p. 403.

*Chronological Minutes respecting the Roman-catholic Prelates in England, and the dominions of His Majesty in the East and West Indies. Vicars-apostolic with ordinary jurisdiction over the Roman-Catholics in England and Scotland.*

DR. WM. BISHOP - (Consecrated 4 June 1623).  
On whom the episcopal dignity was first conferred—died at Bishop's Court near London, April 16, 1624, aged 71.—Governed the kingdoms of England and Scotland with the power of an ordinary.—His title, as also that of his successor, was *Bishop of Chalcedon* -

Died.

Apr. 16, 1624.

RICHARD SMITH, D. D.

Received his bulls April 4, 1625,—was obliged to retire into France in 1629, where he continued to reside, and governed his diocese by his vicars and chapter till his death, which happened at Paris, aged 88 -

18 Mar. 1655.

N. B. After the death of bishop Smith, the English church remained without a pastor during thirty years, till the year 1685, when it was divided into four districts, the southern, the northern, the midland, and the western.

ROMAN-CATHOLIC PRELATES OF THE  
SOUTHERN DISTRICTS:

DR. JN. LEYBURN, was chosen, title *Adrumitensis*,  
died in - - - - -

1703.

DR. BONAVENTURE GIFFARD (translated), title  
*Madaurensis*, died at Hammersmith -

12 Mar. 1733-4.

BENJAMIN PETRE - - - title *Prusensis*, coad.  
died in London - - - - -

22 Dec. 1758.

RICHARD CHALLONER, title <i>Deborensis</i> , coad. died in London - - - -	Died. — 12 Jan. 1781.
JAMES TALBOT - - - - title <i>Birtheensis</i> , coad. died at Hammersmith - - - -	26 Feb. 1790.
JOHN DOUGLASS, chosen 1790, title <i>Centuriensis</i> , died in London - - - -	8 May 1812.
WM. POYNTER, 1803—1812, - title <i>Haliensis</i> -	—

ROMAN-CATHOLIC PRELATES OF THE  
NORTHERN DISTRICT:

JAMES SMITH, 1688, <i>Callipolitanus</i> - -	20 May 1711.
GEORGE WITHAM, <i>Marcopolitanus</i> , (translated), died at Cliffe - - - -	15 April 1725.
THOMAS WILLIAMS, <i>Tiberiopolitanus</i> , died at Huddlestone - - - -	14 April 1740.
ED. DICKENSON, <i>Mallensis</i> , 1740, died at Trench- mill - - - -	24 April 1752.
FR. PETRE, 1750, 27 Jan. <i>Amoriensis</i> , coad. died at Sholey - - - -	24 Dec. 1775.
WM. MAIRE, 1768, <i>Cinnensis</i> , coad. died at Lartington - - - -	25 July 1769.
WM. WALTON, 1770, coad. died at York, <i>Fra-</i> <i>conensis</i> - - - -	26 Feb. 1780.
MATH. GIBSON, <i>Comanensis</i> , died at Stella, Durham - - - -	17 May 1790.
WM. GIBSON, <i>Aranthensis</i> , died at Durham -	4 June 1821.
THO. SMITH, 1810, coad. <i>Bolinensis</i> - -	—

ROMAN-CATHOLIC PRELATES OF THE  
MIDLAND DISTRICT:

	Elected. —
BONAVENTURE GIFFARD, <i>Madau-</i> <i>rensis</i> , was translated to the south 1703 - - - -	22 Apr. 1687.
GEO. WITHAM, <i>Marcopolitanus</i> , translated to the north 1716 -	1703.

# APPENDIX:

551.

	Elected.	Died.
J. TALBOT STONOR, <i>Thespiensis</i> , died at Stonor - - -	1716. - -	29 March 1756.
J. HORNOLD, <i>Philomeliensis</i> , coad. died at Longbirch - - -	- - -	26 Dec. 1779.
THO. TALBOT, <i>Aconensis</i> , coad. died at Bristol - - -	- - -	1795.
CHARLES BERRINGTON, <i>Hierocæsariensis</i> , coad. died at Longbirch - - -	- - -	8 June 1798.
GREGORY STAPLETON, <i>Hierocæsariensis</i> , died at St. Omer's - - -	1801. - -	23 May 1802.
JOHN MILNER, <i>Castabalensis</i> -	1803.	—

## ROMAN-CATHOLIC PRELATES OF THE WESTERN DISTRICT:

PHIL. ELLIS, O. S. B. <i>Aureliopolitanus</i> , retired into Italy in 1688 - - -	1688. - -	—
MAT. PRITCHARD, O. S. F. <i>Myri-nensis</i> , died at Perthyre -	- - -	—
LAURENCE YORK, O. S. B. <i>Ni-bensis</i> , coad. died at Douay	- - -	1770.
CH. WALMESLEY, O. S. B. <i>Ramatensis</i> , coad. died at Bath -	- - -	25 Nov. 1797.
GREG. WM. SHARROCK, O. S. B. <i>Telmesensis</i> , coad. died at Bath, aged 67 - - -	1781. - -	17 Oct. 1809.
PETRUS COLLINGRIDGE, O. S. F. <i>Thespiensis</i> , coad. conse- crated 11 Oct. 1807 - - -	- - -	—

## NORTH AMERICA:

1674, Quebec was made a bishopric.

R. Rev. Dr. JOS. OCTAVE PLESSIS, actual bishop of Québec.  
Governs the three districts of Québec—of three rivers—and of  
Gaspé.

Vicars general of the Bishop of Quebec, with the episcopal character, viz. as follow :

1. JOS. NORBERT PROVONCHEZ—*Juliopolitanus*. Governs all the territory watered by the rivers which run into James's Bay, or Hudson's Bay.
  2. ALEXANDER MACDONELL, *Racineensis*. Governs the province of Upper Canada.
  3. JEAN JACQUES LARTIGUE, *Thelmesensis*. Governs district of Montreal.
  4. ANGUS BERNARD M'Eachan, *Rossensis*. Governs New Brunswick, Prince Edward's Island, Cape Breton and Madeleine.
- JN. ENGLAND, bishop of Charles Town, comprising both Carolina's and Georgia.

DR. KELLY, Bishop of \_\_\_\_\_, governs an ulterior district.

In 1789, the episcopal see of *Baltimore* in Maryland was erected : and reverend Dr. CARROL appointed bishop.

In 1810, Baltimore was made an archbishopric, and four suffragan dioceses were established, viz.

1. *New-York*, to which the right reverend LUKE CONCANNON was appointed, who died at Naples on his way to America.

The right reverend-Dr. CONNELLY was consecrated bishop of New York in 1815 at Rome, and left Rome in March 1815 to proceed to America.

2. *Philadelphia*, bishop, right reverend JOHN EGAN, dead.—HENRY CONWELL consecrated September 24, 1820.
3. *Boston*, bishop, right reverend JOHN CHEVERUS.
4. *Bardstown* in Kentucky, bishop, right reverend BEN. JOS. FLAGET.

14th December 1817, MGR' AMBROSE MARECHALL was consecrated archbishop of Baltimore.

New Orleans, bishop, MGR' DUBOURG, who lives at St. Louis, made archbishop.—MGR' SIBOURGH is his coadjutor, resides at New Orleans.

St. Augustin, grand vicar, reverend M. CROSBY, *subject to the bishop of the Havannah in isle of Cuba.*

*WEST INDIES :*

1819, June 29, the right reverend Dr. JAMES BUCKLEY was consecrated bishop of *Gerren*, to govern the islands of

Trinidad,  
Jamaica,  
Tortola,  
St. Christopher,  
Nevis,  
Antigua,

Bermuda,  
Grenada,  
Curaçoa,  
Tobago,  
St. Vincent,  
St. Lucie,

Barbadoes,  
Dominica,  
Monserrat,  
Demerara,  
Essequibo,  
Berbice.

Resides at Trinidad.

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*CAPE OF GOOD HOPE :*

The right reverend Dr. JAMES SLATER, bishop of Rupa ; is vicar-apostolic in the Mauritius, at the Cape of Good Hope, and New South Wales : resides in the Mauritius.

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THE END.

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